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CIVIL RIGHTS

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RACE, THE CENSUS, AND CIVIL RIGHTS

By Ellis Cose

ALSO IN THIS ISSUE:

ASSESSING THE WHITE
SUPREMACIST THREAT

CIVIL RIGHTS DIMENSIONS
OF IMMIGRATION POLICY

VOTING RIGHTS
AT A CROSSROADS

TAKING STOCK OF THE ADA

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices;
- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;
- Submit reports, findings, and recommendations to the President and Congress;
- Issue public service announcements to discourage discrimination or denial of equal protection of the laws.

In furtherance of its fact-finding duties, the Commission may hold hearings and issue subpoenas (within the State in which the hearing is being held and within a 100-mile radius of the site) for the production of documents and the attendance of witnesses.

The Commission consults with representatives of Federal, State, and local governments, and private organizations.

Since the Commission lacks enforcement powers that would enable it to apply specific remedies in individual cases, it refers the many complaints it receives to the appropriate Federal, State, or local government agency, or private organization for action.

The Commission is composed of eight Commissioners: four appointed by the President and four by Congress. Not more than four of the members can be of the same political party. From among the Commission's members, the President designates the Chairperson and Vice Chairperson with the concurrence of a majority of the members.

Commissioners serve staggered terms of six years. No Senate confirmation is required. The President may remove a Commissioner only for neglect of duty or malfeasance in office.

Except in August, the Commissioners hold monthly meetings and convene several other times a year to conduct hearings, conferences, consultations, and briefings.

The Commission has 51 Advisory Committees—one for each State and the District of Columbia. Each is composed of citizens familiar with local and State civil rights issues. The members serve without compensation and assist the Commission with its fact-finding, investigative, and information dissemination functions. Members are nominated by Commissioners or the regional director for the area and voted on at a regular meeting of the Commission. The term of office is two years.

A full-time Staff Director oversees the day-to-day activities of the Commission, headquartered in Washington, DC. The Staff Director is appointed by the President with the concurrence of a majority of the Commission's members, and serves at the pleasure of the President. All Commission personnel are employed under Federal civil service regulations and job classification standards.

Each of the Commission's six regional offices coordinates the Commission's operations in its region and assists the State Advisory Committees in their activities. Regional offices are in Washington, Atlanta, Chicago, Kansas City, Denver, and Los Angeles.

The Commission's Robert S. Rankin Civil Rights Memorial Library is situated in Commission headquarters, 624 Ninth St., N.W., Washington, DC 20425. (See page 75 for details on this clearinghouse of civil rights information.)

The Commission and its State Advisory Committees have produced hundreds of reports and studies on national, regional, and local civil rights matters. Copies of these publications are available free to the public, via a "Catalog of Publications," by request to the Administrative Services and Clearinghouse Division, U.S. Commission on Civil Rights, 624 Ninth St., N.W., Washington, DC 20425.

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CIVIL RIGHTS

US COMMISSION ON CIVIL RIGHTS JOURNAL

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IN THIS ISSUE

With this issue of the **CIVIL RIGHTS JOURNAL**, the U.S. Commission on Civil Rights begins publication of what we expect will become a quarterly periodical offering fresh perspectives and commentaries on significant civil rights issues confronting the Nation today. We intend to include in each issue useful information, insightful analysis, challenging argument, and engaging writing about efforts to reduce prejudice, bigotry, and discrimination in the United States. Our articles and departments will be written by leading experts, journalists, advocates, businesspeople, and policy makers not associated with the Commission.

In our cover story, "**Census Faces Complex Issue of Race**," veteran journalist and Newsweek contributing editor Ellis Cose takes a fresh look at a problem that looms larger every year for the U.S. Bureau of the Census: how to classify children of multiracial or multiethnic marriages by race, color, or ethnicity during the Census count. Cose probes the origins and continued need to count people by race in the decennial Census—even when such a count is still maddeningly imprecise.

"**Organized Hate in America**," written by Joseph T. Roy, Sr., chief investigator for the Klanwatch project of the Southern Poverty Law Center, before last April's Oklahoma City bombing of a Federal office building, details how neo-Nazi replaced the Klan at the top of the white supremacist movement. Roy updated his article after the bombing.

Because Jane West helped to draft early Senate legislation leading to the historic American Disabilities Act, we asked her whether she could give us a balanced assessment of what the law has accomplished and what it hasn't. We think that she has done just that in "**ADA: Taking Stock and Looking To Future**."

There is much more in this inaugural issue. Immigration scholars and policy advisors Demetrios G. Papademetriou and Stephen H. Legomsky see connections between "**Immigration, Civil Rights, and American Ambivalence**." Robert O. Bothwell, executive director of the National Committee for Responsive Philanthropy, offers one expert's answer to the question "**Do**

Foundations Help Enough?", and Leslie R. Wolfe, president of the Center for Women Policy Studies, reports on what women of color might have to say about their workplaces if asked in "**Invisible and Undervalued?**"

We envision a **Books** department that will become required reading in the field and begin by offering two review essays, one by humanities scholar John F. Callahan, on Ralph Ellison and a new study of the famous writer, and the other by religion scholar William Scott Green, on books about black-Jewish relations. Our next issue will include a fuller complement of individual reviews.

Viewpoints offers conflicting perspectives on a critically important civil rights issue, and to launch the department we have author-researcher Abigail Thernstrom and author-attorney Laughlin McDonald differing on the path that voting rights should take. **Global Views** explores the interdependence between civil rights in the U.S. and human rights, trade, and other developments elsewhere on the globe. In this issue, Institute for Policy Studies Fellows Richard J. Barnet and John Cavanagh look at challenges that U.S. minorities face competing in the global workplace.

There is more: **Yesterday** spotlights events and people in history important to us today; **Close Up** offers a Q and A interview with people whose lives reflect an abiding concern with civil and human rights; **Media**, wherein the scrutinizer is scrutinized in terms of civil rights; **Educational Materials** reviews materials designed for teaching civil rights topics; and **ERIC Documents**, a survey of civil rights documents in that database.

The second issue of the Journal is scheduled to appear next spring. Your letters will help determine the kind of journal this is to be, and we will begin running a selection of them in the next issue. To respond to an article or tell us what you think about the Journal, or to be placed on our free mailing list, please write to **Editor, CIVIL RIGHTS JOURNAL, U.S. Commission on Civil Rights, 624 9th Street, N.W., Washington, D.C. 20425.**

Charles R. Rivera
Editor

Arthur 'Afroborinqueño' Schomburg

By Robert Knight

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Barely more than a century ago a young man arrived in New York City on a mission that would bridge two cultures, span several centuries, and provide a lasting structure for understanding among Americans of African, Latino, and European descent.

He hunted the hidden treasures of African history, gathered the most significant collection of black memorabilia, and created a global research center that carries on his work to this day. With a precision that rivals today's electronic databases, Arthur A. Schomburg became a prime architect of the Information Superhighway of Black History.

Arturo Alfonso Schomburg, a self-described *Afroborinqueño* (black Puerto Rican), was born January 24, 1874 to María Josefa and Carlos Federico Schomburg. His mother was a freeborn black midwife from St. Croix, and his father was a mestizo merchant of German heritage. They lived in Puerto Rico, in a community now known as Santurce. Schomburg was educated at San Juan's Instituto Popular, where he learned commercial printing, and at St. Thomas College in the Danish-ruled Virgin Islands, where he studied Negro Literature.

While his education equipped him with tools essential to his extraordinary bibliophilia, it was also in school that Schomburg encoun-

tered the flame which ignited his career. By his own account, he was in the fifth grade when a teacher glibly asserted that people of color had no history, no heroes, no notable accomplishments. Young Schomburg began a lifelong quest to refute scien-



Arthur A. Schomburg

tifically the mythology developed by racism in the Americas. He became a fiery debater and documentarian of the accomplishments of Puerto Rican artist José Campeche, Haitian liberator Toussaint L'Ouverture, and the Afro-Cuban general Antonio Maceo.

Schomburg immigrated on April 17, 1891 to New York, where he worked in the decolonization movement, and continued amassing the materials needed to untangle further the African thread of history in the fabric of the Americas.

In 1911 Schomburg co-founded

the Negro Society for Historical Research, an archival institute which published several important papers on black history. In 1914 he was inducted into, and later presided over, the American Negro Academy, which combatted the "scientific racism" of the day. He went on to curate Fisk University's Negro Collection, which he assembled during the 1920s. Throughout those years, Schomburg was a leading light of the Harlem Renaissance.

But the keystone of Schomburg's legacy was the world-renowned collection of Negro history and art that he had built over the years. Comprising thousands of slave narratives, manuscripts, rare books, journals, art works, and other remnants of African history, his collection was presented to the New York Public Library's Division of Negro History in 1926 through a \$10,000 Carnegie Foundation grant. Schomburg eventually curated his own collection, now renamed the Schomburg Center for Research in Black Culture. Today the collection comprises nearly six million items, and its extensive bibliographic records have recently been cataloged on CD-ROM for those using modern technology to research history.

Schomburg's contributions to social progress were not limited to one culture. He spent nearly a decade as a militant activist in the Spanish colonial liberation movement. He

was a member of Club Borinquen Y Betances and secretary of Las Dos Antillas, organizations dedicated to independence for the island colonies of Puerto Rico and Cuba. Schomburg associated closely with such hemispheric leaders as José Martí, Antonio Maceo, and Ramón Betances. Schomburg frequently called for Puerto Rico to be neither a colony of Spain nor of the United States, anticipating the island's recurring plebiscites on the issue in recent years.

With his multicultural heritage, Schomburg was himself a microcosm of the global issues he studied.

Still, Schomburg's Latino heritage is less widely recognized than his African among African Americans and even in some quarters of the Latino community. Richard Perez, vice president of the National Congress for Puerto Rican Rights, explained:

"Puerto Ricans are a multiracial people—the Taíno Indians, the Spanish colonizers and the African slaves—and as a multiracial people it was difficult for us to establish our identity in a country that defines racial identity only as black and white."

Arthur Schomburg died on June 10, 1938. If he were alive today, he would undoubtedly have much to say about education, equal opportunity, discrimination, affirmative action, and similar issues. His words are still a beacon for us:

The American Negro must rebuild his past in order to make his future. Though it is orthodox to think of America as the one country where it is unnecessary to have a past, what is a luxury for the Nation as a whole becomes a prime social necessity for the

A Protégé Remembers

Among the thousands of students, scholars, and artists affected by Arthur Schomburg is one of his early protégés, the noted historian Dr. John Henrik Clarke, professor emeritus of African and world history at Hunter College's Department of Black and Puerto Rican Studies.



Dr. John Henrik Clarke

The child of Alabama sharecroppers, Clarke sought out Schomburg at his Harlem collection after having read his seminal essay "The Negro Digs Up His Past." Like his mentor, Clarke had himself endured white denials of black history. In an interview for this article, Clarke described his first encounter with Schomburg:

"Arturo Schomburg opened up my eyes to the fact that I came from an old people, older than slavery, older than the people who oppressed us.

"He was holding down the desk. I was a teenager then. So I wanted to know the whole history of my people all over the world, henceforth, in the hour—his lunch hour!

"'Sit down, son,' he said. 'What you're calling African history, Negro history, are the missing pages of world history. Read the history of the people who took you out of history, and you will find out why they were so insecure they had to take you out of history, why they could not stand for your history to compete with theirs.'

"Once I began to have some background in European history, I could bring African history into proper focus. But Arthur Schomburg, more than any other single human being, set me in motion in the pursuit of a career as a teacher of history."❖

Negro. For him, a group tradition must supply compensation for persecution, and pride of race the antidote for prejudice. History must restore what slavery took away, for it is the social damage of slavery that the present generation

must repair and offset.❖

Robert Knight, winner of the George R. Polk Award, is an investigative journalist based at WBAI-FM in New York City.

The Planetary Workplace: New Challenges for Working People of Color

By Richard J. Barnett and John Cavanagh

As large corporations integrate the U.S. economy into the global economy, the division between the winners and losers is growing rapidly. The number of U.S. billionaires expanded from 45 just seven years earlier to 120 by 1994, and the real wages of those Americans best able to take advantage of global opportunities have risen.

At the same time, most people have been working longer hours for less real wages in the United States since 1973, and people of color have been hit the hardest. According to the latest data of the Economic Policy Institute: "Among blacks, there was a general downward shift out of better-paying employment into low-wage employment from 1979 to 1989 and in the early 1990s, with a modest growth of very high earners. By 1993, 36.4% of black workers (33.2% of black men and 39.4% of black women) were in jobs paying less than poverty-level wages." The same trends are in evidence for Hispanic workers as well.

To a significant degree, these downward trends are due to changes in the global economy. The new "Global

Workplace" is a network of factories, workshops, law offices, hospitals, restaurants, and all sorts of other places where goods are produced, information is processed, and services of every description are ren-

**More and more
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dered. Everything from cigarettes to cars contains materials from dozens of countries pieced together in a globally integrated assembly line driven by the logic of the bottom line. Data processors, law offices, advertising agencies, and insurance companies have become global assembly lines of a different sort. A world-wide labor market for creative merchandising ideas, computer knowledge, managerial know-how, and every other marketable skill coexists with a global labor pool in which more and more of us, from the chief executive officer

to the wastebasket emptier, are swimming. Hundreds of millions more of the world's uprooted and dispossessed are desperate to participate.

Twenty years ago, corporations could shift jobs around the world only in certain light-manufacturing industries, such as textiles and consumer electronics. Today, business enterprises have options to pick and choose workers from all over the world to fill a whole range of agricultural and manufacturing jobs, and increasingly, service jobs as well. This loosening of geographic ties greatly enhances their power to deal with organized labor. Automation, an increasing use of part-time labor all around the world, and the opening up of a truly global labor pool have speeded the loss of factory jobs in the industrial countries and cut into union membership.

If we look 20 years ahead, more than 700 million men and women will reach the legal working age throughout the Third World. Approximately 35 million of them will be looking for work in these poor countries each year, adding to the more than 800 million men and women around the globe already unemployed or

"underemployed." (These United Nations figures are rough estimates but it can be safely assumed that the national and international officials compiling the data had no interest in inflating numbers.)

The new global workplace affects people of color in the United States in at least four direct ways:

- **Downsizing:** Since the early 1990s, corporations have resorted to massive downsizing of their workforces on the grounds that global competition

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requires major cuts in labor costs. Last year, *Forbes* magazine released figures on 27 U.S. companies that had announced layoffs of more than 10,000 workers each since March 1991. The undisputed leaders were IBM, AT&T, and General Motors, each of which had announced plans to lay off more than 74,000 employees. Recent studies have shown that African American workers have been disproportionately affected in these rounds of layoffs.

- **Flexible Production:** In the second half of the 20th century, the global productive system was transformed. Mammoth assembly plants of the sort that thrilled Henry Ford and Joseph Stalin are still in evidence, many of them now in out-of-the-way places, a few bigger than ever. But less and less of the world work is done there. One reason is

that new technologies allow the production of goods to be dispersed to smaller facilities around the world, to subcontractors, suppliers, and casual workers, many of whom cut, sew, and punch data at home. As part-time, contractual work expands, the wages and benefits that workers have fought so hard to attain are undermined. The growing numbers of people of color in low wage jobs are especially affected.

- **Race to the bottom:** The widening range of options for U.S. firms to shift production to Mexico, Indonesia, China, and other sites where worker rights are denied and wages are kept artificially low increases corporate bargaining power against U.S. workers. Corporations are increasingly mobile; most workers are tied to a place and do not want to move. Many unions have complained that the corporate threat to relocate has been used successfully to bargain down U.S. wages and benefits in collective bargaining sessions across the country. Companies use similar tactics to escape environmental regulations. Firms can threaten U.S. cities and states that they will move unless regulations are eased.

- **Migration:** As the ranks of the global unemployed swell, tens of millions of people each year leave their countries to find work. The favored destination remains the United States. Economic crises, such as the one gripping Mexico since late 1994, often increase immigration flows. In a period of economic uncertainty in the United States, such pressures have evoked ultra-nationalist and racist responses. The movement to restrict immigration and curb

government benefits to both documented and undocumented workers is gaining strength.

The recent rush toward free trade agreements has only exacerbated those trends. Within the first 15 months after the North American Free Trade Agreement (NAFTA) went into effect in January 1994, claims from more than 370 communities around the country were filed with the U.S. Department of Labor alleging that more than

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40,000 workers had lost their jobs because of NAFTA. More than 23,000 of those were certified by the Department for retraining programs. Of the certified cases, some 53 percent were in industries that employ a disproportionately high number of African Americans, Latinos, and immigrants, namely in the apparel and auto industries and in farm work. These are the same people who are most likely to face hiring discrimination and have, on average, lower levels of formal education than white workers.

Two cases are illustrative:

- In Immokalee, FL, Regency Packing laid off 1,013 Latino and Haitian farmworkers in the face of cheaper imports of Mexican tomatoes. A Florida rural legal aid worker pointed out that the displaced farmworkers were unlikely to benefit much from the NAFTA retraining funds because of lan-

guage barriers and low levels of education.

• In Kingstree, SC, Baxter Healthcare laid off 830 workers in 1994 as it shifted work to Mexico and Asia, dealing a devastating blow to a county that is 65 percent African American. The county already had a 33 percent poverty rate and the State's highest unemployment rate of 12 percent. The layoffs contributed to racial tensions in the area. Angered by the threat of higher taxes, a small, predominantly white town tried to secede from the county to join a more affluent neighboring county that is predominantly white.

What can be done?

Some political leaders acknowledging painful trends in the economy place the blame primarily on "big government," the poor, and immigrants. But we believe much of the blame rests with the inability of industry and government to confront the historic changes caused by the increasing integration of the United States into a world economy without adequate rules and remedies to protect workers and citizens.

One of the most fruitful avenues for change is in the realm of trade agreements. During the NAFTA

debate, a number of members of Congress joined with labor unions, environmental groups, and consumer, farm, and religious organizations from the United States, Canada, and Mexico in proposing that trade concessions be conditioned on the recognition of adequate worker rights and environmental standards. The Mexican groups argued that sanctions should take the form of fines levied on offending corporations rather than withdrawal of trade preferences, which hurts the

New U.S. strategies are needed at the national, state, and local levels to deal with the negative effects of globalization.

population as a whole.

In the end, the three governments agreed to set up labor and environmental commissions with largely symbolic powers. Nevertheless, a precedent for linking trade to worker and environmental rights was set. Many of the same citizen groups are pressing for stronger linkage now that the United States has opened negotiations to bring Chile into NAFTA.

In addition, codes of conduct for transnational corporations can be an important avenue for change. Under pressure from U.S. trade unions, for example, Sears and Levi Strauss have agreed not to contract production to firms using prison labor or infringing on worker rights

such as freedom of association and basic health and safety standards. Making good on this code, Levi Strauss has announced that it will phase out all production contracts with China because of persistent violations.

New U.S. strategies are also needed at the national, state, and local levels to deal with the negative effects of globalization: better training to help Americans become more versatile in a time of transition, an enlightened family policy that would enable parents to stay home with young children rather than being forced back into the labor

market, a shorter work week to spread existing jobs around, and Federal procurement contracts that focus on smaller firms investing primarily in this country, to name but a few.

Such strategies would go a long way to slowing the negative impacts of globalization on working people of color in the United States and in other countries.❖

Richard J. Bernet and John Cavanagh are fellows at the Institute for Policy Studies in Washington, DC, and co-authors of "Global Dreams: Imperial Corporations and the New World Order," which has recently appeared in paperback.



ORGANIZED HATE IN AMERICA

Winds of Change Sweep Neo-Nazis into Power

By Joseph T. Roy, Sr.

The wind is shifting. The 1990s are going to be different." That prediction, made by neo-Nazi leader William Pierce in the early days of the 1990s, seemed at the time to be little more than the wishful thinking of a white supremacist patriarch gamely trying to rally his troops. As it turned out, Pierce was a prophet.

More recently, there has been another development grander than Pierce could have imagined—a rapidly growing culture of anti-government militias that has become a breeding ground for the white supremacist movement. These groups have been in the national spotlight since the devastating bombing of the Federal Building in Oklahoma City and reports linking suspects to the militia movement. Although at this writing no guilt can be assigned, and certainly no linkage assumed, dangers associated with the militias were obvious even before the bombing.

As for the organized white supremacist movement in the United States, it literally turned upside down in the last decade. The once dominant Ku Klux Klan all but disintegrated under the weight of lawsuits and internal squabbles over money and power. The Nation's neo-Nazi organizations quickly filled the void, outpacing the Klan in sheer numbers, influence, and militant activism. Where

the Klan had failed, the neo-Nazi groups succeeded spectacularly by focusing on what is vital to their movement's long-term survival—the recruitment of the next generation of white supremacists. To that end, they aggressively pursued the young, violence-prone neo-Nazi Skinheads and recruited heavily on high school and college campuses.

In the last year, prominent neo-Nazis, along with a handful of militant Klansmen, sought to exploit the recruit potential of the anti-government militias springing up across the Nation. At the end, the traditional, flag-waving Klan was in tatters and the neo-Nazis were in power. Today, the American white supremacist movement has an active membership of about 25,000, only 5,000 of whom belong to the Klan.

The story of the past decade in the white supremacist world centers on two longtime neo-Nazi groups—the Idaho-based Aryan Nations, led by Richard Butler, and Pierce's National Alliance, headquartered in West Virginia. Before their resurgence, the two groups were already the stuff of white supremacist legend due to close connections in the early 1980s to a violent gang later known as The Order. The gang's murder and robbery were reportedly inspired by Pierce's race-war novel, "The Turner Diaries," and by Butler's militancy. The Order's leader, a young zealot named Robert Mathews, died in a

shoot-out with Federal agents in 1984, and 24 members of the group received long prison sentences for racketeering and other crimes.

Aryan Nations and the National Alliance—along with two newer organizations that collapsed in recent years, the Church of the Creator and Tom Metzger's White Aryan Resistance—rose to prominence during the late 1980s and early 1990s as the Ku Klux Klan faltered. By early this year, Aryan Nations had emerged as the Nation's most menacing neo-Nazi group.

Aryan Nations

Aryan Nations exploded into spectacular growth last year after years of decline. The Idaho-based group swept into 15 new States after dropping to only three in 1993. Butler, who founded the Hitler-venerating organization two decades ago, boasted recently that Aryan Nations is now in 25 States and will be in 30 by year's end.

The organization arrived on the white supremacist scene in the mid-1970s at a time when the influence of the David Duke-led Klan was waning. The group's advocacy of a white power revolution and its call for a "whites-only" homeland in the Pacific Northwest set it apart from Duke's sanitized declarations. Butler, an avid follower of the antisemitic Christian Identity "faith," preached at his Church of Jesus Christ Christian on the Aryan Nations compound that Identity gave whites "divine permission to hate."

Aryan Nations' greatest strength has always been its ability to provide common ground for a wide range of extremists. Over the years, Klansmen, militant tax protesters, neo-Nazis, and Identity believers gathered under Aryan Nations' banner. By the late 1970s and early 1980s, Aryan Nations was poised to give the white supremacist movement something it had never had before—unity. The stage was also set for the violence to come.

The swift rise and fall of The Order a decade ago took Aryan Nations from the pinnacle of the white supremacist movement to its depths. By the late 1980s, Aryan Nations was living on little more than memories of its glory days. Membership was down, communities surrounding Butler's compound had organized against Aryan Nations, and informants regularly infiltrated the organization. Defectors declared the group in disarray, and experts on such movements wrote Aryan Nations' obituary. Few expected the group to come back, but in 1990 it began.

Butler undertook to reinvent his organization with new tactics and ventures designed primarily to capitalize on the growing neo-Nazi Skinhead movement. For the past four springs, Butler has hosted a youth festival for

Skinheads at his compound. Last year's festival was by far the most successful of these events. For it, the 76-year-old Butler made a radical departure from past festivals. Skinhead bands performed, and drew a large crowd.

In another change of tactics last year, Butler began actively pursuing the media, particularly media outlets with young audiences. Aryan Nations received attention from such media as SPIN Magazine, the British Broadcasting Corporation, The New York Times, NBC's "Inside Edition," and Cable News Network.

Aryan Nations' return to the forefront of the organized white supremacist movement is a direct result of at least two years of aggressive recruiting in North America and Europe. The European recruiting has been aided by an alliance with one of the world's most influential neo-Nazi propaganda outfits, the Nebraska-based National Socialist German Workers Party-Overseas Organization (NSDAP-AO). German officials say NSDAP-AO, headed by Gerhard Lauck of Lincoln, NE, is the biggest supplier of propaganda to European neo-Nazis. By joining forces with Lauck's organization, Aryan Nations can literally spread its message of hate and white revolution to the world. Lauck was arrested this year in Denmark and will stand trial in Germany for distributing outlawed neo-Nazi materials, among them his virulent tabloid The New Order. The publication is distributed worldwide in German, Dutch, French, Hungarian, Swedish, and Danish translations and is widely read by thousands of neo-Nazi Skinheads in the United States and Canada. Lauck's lieutenants vow to carry on despite their leader's legal troubles.

Last summer, Butler returned to an older recruiting tactic, sending his ambassadors-at-large on an aggressive "diplomacy tour." Their mission was to bring other white supremacist groups under Aryan Nations. Several signed on with Aryan Nations as a result of that recruiting drive, taking an oath to Butler's group while retaining their name and membership. Aryan Nations is today more powerful than ever.

National Alliance

Second only to Aryan Nations among neo-Nazi groups is Pierce's National Alliance. For years little more than the white supremacist movement's most lucrative neo-Nazi propaganda machine, the organization began a resurgence in the early 1990s by initiating an ambitious recruiting offensive in North America and Europe. The recruiting drive brought in hundreds of new followers. In the last year, National Alliance significantly expanded its radio propaganda operation. Its weekly program, "American Dissident Voices," is now being broadcast worldwide.

Pierce cranks out reams of neo-Nazi propaganda, and sells books—many of them mainstream—through his highly profitable publications arm, National Vanguard Books. Through that operation, Pierce markets his two novels, "Hunter," published in 1989, and the more known "The Turner Diaries," written in 1978 under the pen name Andrew Macdonald. The 1978 book depicts Pierce's imagined future fascist America—an Aryan "utopia" free of the hated Jews, blacks and other minorities, and, most important, the traitors to the white race. "The Turner Diaries" has been called the "bible of the racist right," revered by white supremacists because its message taps into their most enduring fantasy—a race war won by whites. National Alliance reached its zenith in the early 1980s when the book inspired the formation of Mathews' Order.

National Alliance's recent recruiting successes provide a growing audience for Pierce's effective neo-Nazi propaganda and his novels with their violent revolutionary fantasies. If Pierce's money and skills as a propagandist continue to drive National Alliance, the group should sustain its prominence in the white supremacist movement

Militias

Affecting the white supremacist movement has been the swift rise of heavily-armed militias across the United States. In 1994 the first militias sprang up, and since then militant racists have made surprising inroads among their ranks. Klanwatch has discovered numerous links between the militias and white supremacist groups such as Aryan Nations, the Posse Comitatus, and militant Klan factions. Racist extremists are active with militia units in at least nine states—Colorado, Florida, Idaho, Michigan, Missouri, Montana, Pennsylvania, Tennessee, and Texas.

Three recent events fueled the fierce anti-government sentiment that gave rise to the militias. A 1992 shoot-out in Idaho between white separatist Randy Weaver and Federal agents, and the fiery conclusion to the siege at the Branch Davidian compound in Waco, TX, galvanized right wing extremists across the country. Finally, the passage of gun control legislation in Congress and state legislatures last year led to an explosion of militias nationwide. Most militias operating today do not have a racist agenda, but that could change if white supremacist activists continue to infiltrate these groups, or form militias of their own.

Rise and Fall

The last decade saw the rise and fall of white supremacist organizations with a neo-Nazi bent—most prominently, White Aryan Resistance, headquartered in California, and the Church of the Creator.

The latter was in a category of its own—as anti-Christian as it was crudely racist and antisemitic. With C.O.T.C., Ben Klassen founded an ego-driven, one-man "religion" based on the worship of the white race and the vilification of Christians and Jews. In numerous essays and books, Klassen derided Christianity as a collection of superstitions and timid values created by Jews to control and ultimately destroy the white race. Klassen longed for a worldwide white revolution that would eliminate Jews, blacks, and other minorities. At its height in the early 1990s, his group had several hundred members, and chapters in 20 States and several foreign countries.

Klassen committed suicide in 1993 and the group quickly fell into disarray under his hand-picked successor. Today, the group is in shambles as a result of a Klanwatch lawsuit over the 1991 murder of a black Gulf War veteran by a C.O.T.C. "minister."

Tom Metzger's WAR still operates, but it was badly crippled by a wrongful death lawsuit filed by Klanwatch. In 1990, a Portland, OR jury found Metzger liable for the brutal beating death of an Ethiopian man by Skinheads and awarded a \$12.5 million judgment. Before the verdict Metzger had amassed a large national Skinhead following. But the young white supremacists left WAR in droves when trial testimony revealed that Metzger had used his followers' donations to pay personal bills and buy a toupee.

Metzger's fall marked the beginning of a dramatic shift in the Nation's Skinhead movement.

Skinheads

Skinheads—violent, angry, deeply troubled young men and growing numbers of young women—are among the most dangerous factions in this country today. After nearly a decade of spectacular growth, neo-Nazi Skinhead groups operating in the United States dwindled last year to 34, a 61 percent drop from the 87 Skinhead organizations monitored by Klanwatch in 1993. A five-year analysis of Klanwatch data shows the number of Skinhead organizations peaked in 1991 with 144 groups. Their memberships are deceptively small in proportion to the violence they commit.

Racist Skinheads first appeared in the United States in the mid-1980s. By the end of the decade, Skinheads were the fastest growing faction in the white supremacist movement. They were also the most violent, having committed at least 35 homicides and hundreds of assaults since 1988.

The decrease in groups last year probably does not signal the collapse of the Skinhead movement in the United States. Many Skinheads remain active, but they have changed their tactics and style, making them harder to



detect. Growing numbers of Skins no longer belong to a specific group as they did in the past. Others have moved underground and abandoned their trademark look—shaved heads, bomber jackets, suspenders and Doc Marten boots—to be less obvious to police and less readily identifiable by their victims. Aggressive police crackdowns have kept the Skinhead movement in check in recent years. Law enforcement agencies across the country have been effective in breaking up Skinhead groups involved in criminal activity.

While some Skinheads have simply gotten older and dropped out of the white supremacist movement altogether, many others have moved on to more established hate groups. Those ex-Skinheads may account for some of the recent sharp growth in Aryan Nations and the National Alliance.

The Skinhead movement may be poised for a resurgence if the organizers of a record company based in Detroit called Resistance Records have their way. Founded in early 1994 by two young ex-Skins, George Burdi of Toronto and Mark Wilson of Detroit, Resistance Records is far more than a mere record label for racist rock bands. It is a growing Skinhead organization that aims to unite young white supremacists in North America under its banner. Burdi, once head of Canada's Church of the Creator and the Toronto-based Heritage Front, asserts that his Skinzine "Resistance" has a circulation of 12,000.

Though the organized hate movement today represents only a small portion of the American population, its dominance by hard-core neo-Nazi militants and its recruiting successes among young people make it more dangerous than ever.❖

Joseph T. Roy, Sr., is chief investigator for the Klanwatch project of the Southern Poverty Law Center in Montgomery, AL. He has been an investigator for the Center since 1986 and earlier was a Montgomery police officer and a private investigator. As chief investigator for Klanwatch, he gathers information on white supremacists nationwide, assists law enforcement agencies in criminal investigations, and educates community organizations on the threat that he perceives.

Klanwatch: Ways to Fight Hate

1. *Stay Away from White Supremacist Events.* Don't build a crowd for white supremacist groups by attending their events out of curiosity; the news media often cannot distinguish between curiosity seekers and sympathizers with the group. In addition, these events can turn violent.

2. *Organize an Alternative Event.* To discourage attendance at racist events, communities should organize a multicultural gathering that encourages family participation. Ideally it should be held in a different part of the city, at or near the time of the hate group's rally.

3. *Don't Try to Stop White Supremacist Events.* This tactic is seldom successful. White supremacist groups have won scores of lawsuits on First Amendment grounds against communities that have tried to block their public events. Such resistance only gains more media attention for the hate group.

4. *Place Ads in the Local Newspaper.* The ad should emphasize unity with a message of opposition to hate groups. Newspaper ads can also counter publicity that hate groups gain.

5. *Form Community Anti-Hate Groups.* The organization should be composed of people from every race, religion and culture in the community, including gays and lesbians. It should stress cooperation and harmony and discourage confrontation.

6. *Encourage Multicultural Education in Local Schools.* Schools should be encouraged to join the fight. One way is to offer multicultural materials and courses to young people; educators have learned that once differences are explained, fear and bias produced by ignorance are diminished.❖

SPREADING BIGOTRY VIA INTERNET

By Rabbi Abraham Cooper

America's professional bigots remain a frustrated lot. Despite the unprecedented national exposure afforded them on talk shows, most have failed to achieve much fame or notoriety. A key factor in their failure has been the inability to package and deliver their message in a consistent and attractive format. Simply put, the dedicated racist in search of mainstream support has found that leafleting high school lockers and car windshields is no match for competing media in the age of cable channel-surfing, Super Nintendo graphics, and the incredible sounds of the latest CD's.

But the emergence of the Superhighway of Information has not only forever changed how people and institutions communicate, it has transformed the rules of engagement in the marketplace of ideas. Virtually overnight, the new world of Cyberspace—combining the communicative clout of newspaper, phone and fax, photo transmittal service, reference library, and broadcast outlet—is providing direct access into some 20 million homes and educational institutions worldwide. That explains why more than 50 hate groups have rushed to embrace the new technologies. They gain cheap, focused access and to a world heavily populated by young people, the group bigots covet most.

Here are some telling examples:

In Chicago, the Minuteman electronic bulletin board has been posting virulent textual and visual homophobic files. One particularly outrageous cartoon shows a gorilla complaining that it was infected with AIDS by a black person. This cartoon is not new. It previously ran in a publication called *White Aryan Resistance*, whose estimated circulation was 200!

In California, following the passage of Proposition 187 aimed against illegal immigrants, Prodigy's on-line users were encouraged to send in \$20 and sign on with a group 2,000 miles away, which promised to "protect" the white race by ridding the United States of the "hordes" of residents from Mexico, legal as well as illegal, threatening to "overrun" this country. The rhetoric was not new, but what remains new was the unprecedented opportunity to direct market cheaply and effectively, in that case to the unsuspecting Prodigy sub-

scriber.

An Internet posting regularly offers a free video to the first 250 inquiries—a 30-minute "documentary" filmed at Auschwitz last year. It shows the viewer an alleged site of a "swimming pool," where inmates allegedly relaxed "after a long day at work!" It provides a "tour" of a gas chamber in an effort to prove that no one was gassed at that infamous death camp. Again, the rhetoric is not new, but something else is. Holocaust deniers have been trying, with very limited success, to buy regularly scheduled cable and satellite television time, and now Internet gives them the vehicle to promote this "freebie" hate infomercial to millions worldwide.

Indeed, in the post-Forrest Gump age where visuals can be altered or even created from scratch, one shudders to think what tomorrow will do with access to digitized technology.

With access to the Internet literally limitless, the scope of activities by hate groups and militia groups with racist ties is rapidly expanding. The Institute for Historical Review, the leading voice of Holocaust denial in America, has set up a site on the World Wide Web portion of the Internet where its literature can be obtained free. Ernst Zundel, Canada's Nazi apologist, has announced plans to start his own Web page using either a provider in the United States or in Europe to avoid scrutiny by Canadian authorities. Tony McAleer, founder of the white supremacist Canadian Liberty Net, also has plans for his own Web page.

Netcom is currently providing FTP (file transfer protocol) space for the National Alliance enabling it to store a wide range of downloadable files that any Internet user can access. "We've seen a huge growth in use of the Internet by our people," stated Alliance Chairman William Pierce.

The youth-oriented *Resistance* magazine has announced that Resistance Records, a label that produces white supremacist music, plans to open a computer bulletin board service on Internet that will allow users to download the album covers and lyrics from the entire Resistance Records line-up. According to the magazine, "Millions of computers are hooked up to the Internet, and it is the fastest growing information medi-

um in the world. If we are to reach people with the message of Racism, we must act now to secure a large audience on the Internet."

Thus, Internet users will be able to sample lyrics like Resistance Records artist Nordic Thunder's "My Honor, My Pride" from the "Born to Hate" album: "So much anger, but so much pride, My true feelings I will never hide ... To live for my family and die for my Race, Valhalla will be my final resting place ... I know the truth and I know what is right, To destroy the Zionist way and keep my land White ... I've sworn to protect my people, For that I'm crucified, I live for my Race and for my Race I will die..."

An incident in Texas highlights yet another advantage the Information Superhighway provides for bigots: anonymity and deniability. In the recent equivalent of a hi-tech hate drive-by attack in Texas, someone broke into the electronic mail account of a professor and fired off a virulent antiblack and antisemitic attack to 20,000 computer users in four states. The attack was authored by perhaps America's most dangerous hate group, but its leader simply denied sending the message, whose source was a convenient "anonymous I.D."

There seem to be good excuses to shy away from dealing with hi-tech hate. The technology itself is complex and changing. There are legitimate concerns over freedom of speech; few Americans want to be a thought police.

But developments in Europe give a sneak preview of what's in store if America takes a totally laissez faire approach to hi-tech hate. There neo-Nazis are using hi-tech to promote two dozen computer hate games, including the wildly popular game in Austria, KZ (concentration camp) Manager. They have also published anti-Nazi "hit lists" and provided young followers on-line lessons in how to build and use a bomb.

Was the Department of Commerce's National Telecommunications and Information Administration correct in concluding that the way to respond to hi-tech hate was to employ the same technology to counter the message? So far as it goes, that is certainly good advice. The Simon Wiesenthal Center is setting up its own Web site and providing grassroots human rights activists with data to take on bigots in electronic dis-

cussion. The scope and magnitude of the problems, however, show that the challenge of the Superhighway of Information extends far beyond a hi-tech soap box for a few crackpots.

As a starting point for formulating courses of action, we should begin to evaluate the function of a particular part of Cyberspace and look to the parallel "traditional" modes of communication, such as telephone, newspapers, and television, for precedent and guidance.

One example. Few would argue that obscene and menacing phone calls fall under "protected speech." So is there a reason that any recipient of an unsolicited and threatening message from the Superhighway does not have at least the right to know instantaneously the source of that message? Right now the Internet, in effect, provides stealth technology for bigots, child pornographers, and the like. Accountability, not anonymity, should be the operative principle.

Another example. Guidelines for potential advertisers by newspapers and television networks make it highly unlikely that advertisements from the KKK or homophobic groups would be accepted any time soon by the mainstream media. Meanwhile, the Federal Trade Commission maintains a cadre of attorneys who constantly monitor everything from Big Mac ads to the latest infomercial, under the rubric of "truth in advertising." Surely, with serious and creative attention from on-line providers and technological innovators, safeguards could become a part of the hi-tech landscape as primarily voluntarily.

In short, by demanding some old fashioned values of personal responsibility and accountability, people of good intentions may be able to assure that bigots are not given a free ride in the new world of Cyberspace.❖

Rabbi Abraham Cooper is associate dean of the Simon Wiesenthal Center, which he helped establish in 1977. He oversees much of the Los Angeles center's international work, including against antisemitism, Holocaust denial, and the threat of mass destruction weapons. He is editor-in-chief of Response magazine and has written for a number of influential American and foreign newspapers.



U.S. guard watches aboard ship found carrying undocumented Chinese.

IMMIGRATION, CIVIL RIGHTS, AND AMERICAN AMBIVALENCE

By Demetrios G. Papademetriou and Stephen H. Legomsky

Trite as it might be to say it, the history of America is the history of immigration. Immigration, however, has not been a smooth, steady stream. Rather, immigrants have come to the United States in waves that have typically coincided with turmoil in the countries they have left behind.

The reaction of the American public has been correspondingly dualistic. We embrace the idea of immigration even as we bemoan whatever group of immigrants is most visible at the time--and we compare the most recent arrivals unfavorably to their predecessors.

To better understand the history and current context of immigration-related denials of civil rights within our shores, it is helpful to deal with legal and illegal immigration issues separately.

Legal Immigration

With enough asterisks, it is possible to describe the first century of United States history as one of open borders. Congress did not enact permanent immigration restrictions until 1875. Since then, the restrictions have grown broader and more complex. Of the many trends that could be noted, two are particularly germane here.

First, Congress has always sought to influence the ethnic composition of the immigrant stream. In the late 19th century, Congress passed a series of statutes that selectively disadvantaged Chinese laborers. Later legislation extended many of these restrictions to the Japanese and other Asians.

The most pervasive of Congress' techniques for influencing the ethnicity of the immigrant population was the national origins quota system, in place from 1921 to 1965. Under that system, the number of Americans who could trace their ancestry to a particular country determined the numerical ceiling on annual immigration from that country. The practical effect was to dampen immigration from southern and eastern Europe.

In 1965, one year after passage of the Civil Rights Act, Congress replaced the national origins quota system with a uniform limit of 20,000 immigrants per year from any one country. A uniform per-country limit, determined by statutory formula, remains in effect today. Beginning in 1986, Congress began enacting temporary, ad hoc legislation to admit addi-

tional immigrants from previously low-immigration countries.

There has been a second, simultaneous trend. While Congress has been enacting selective immigration laws, aliens have been busy testing the constitutional limits of Congress' powers. The Supreme Court has responded with what has come to be called the "plenary power doctrine." When Congress legislates in the field of immigration, the Court has repeatedly said, special judicial restraint is necessary. In sharp contrast to its usual practice, the Court has consistently upheld Federal immigration statutes that explicitly discriminated on the basis of race or gender, or that restricted political speech even in the absence of "clear and present danger," or that denied a hearing or even an explanation to a 25-year lawful permanent resident alien who had been excluded and detained upon returning from a temporary visit abroad.

In the past few years, the civil rights of immigrants have both expanded and contracted. On the positive side, Congress in 1986 passed a major legalization program and in 1990 passed legislation that significantly enhanced the rights of immigrants to be reunited with their spouses and their children. The same act also narrowed the criteria for excluding aliens on the basis of their political beliefs, statements, or associations, although substantial restrictions remain.

The courts have joined in this renaissance. When aliens have brought constitutional challenges, the lower courts have often been particularly keen to forge detours around the doctrine of plenary congressional power. Constitutional issues aside, one court of appeals recently held that post-Civil War civil rights legislation prohibits private sector discrimination based on alienage. The Supreme Court has taken the case to resolve an inter-circuit conflict on that issue.

Those are positive gains. On balance, however, immigrants are beginning to lose ground on civil rights, and the immediate future looks grim. Despite some impressive gains in the Nation's courtrooms, for example, immigrants have experienced some large setbacks. The Supreme Court has held that the Fourth Amendment does not protect aliens against unreasonable searches and seizures by U.S. Government officials acting outside the United States. The Court has also upheld the Federal Government's interdiction of Haitian vessels on the high seas and the subsequent forcible return to Haiti, without hearings, of even those passengers who claim to be refugees.

For aliens, due process rights continue to be narrowed. In addition to the interdiction and forcible

return of refugees from Haiti, Cuba, and China without hearings, there have been numerous proposals for "summary exclusion" of asylum claimants who arrive at United States ports of entry without proper documentation. Under most of those proposals, such claimants would be interviewed immediately, generally without counsel, and removed promptly if unable to supply adequate evidence in support of their claims. There would be no formal hearing, only cursory administrative review, and normally no judicial review.

Illegal Immigration

Nowadays, when the United States public debates immigration, comments tend to focus intensely on those immigrants who are here illegally. In a nation built on the rule of law, that emphasis is not surprising. Yet the overwhelming majority of immigrants enter through regular legal channels and remain in lawful status.

From a world perspective, most human migration has taken place outside systematic state regulation. This has happened in part because most major migration movements occurred before the formation of the nation-state. But even after states came into being, migration to the new world remained largely unregulated until early in the 20th century. Even today, despite stringent regulation of entry, much migration continues to take place outside state controls.

In the United States, eight years after Congress made legal the presence of nearly 3 million aliens, an estimated 4 million aliens are unlawfully here. Unauthorized migration is thus the number one U.S. immigration challenge. Because policy responses to that challenge have increasingly significant civil rights implications, the responses require the rigorous and exacting attention of the civil rights and civil liberties communities.

U.S. responses to illegal immigration have focused on three areas: border controls, employer sanctions, and restriction of benefits.

Border Controls. Improved U.S.-Mexico border security is now again a premier strategy of control. Rhetorically at least, the strategy had been a long-standing priority for successive U.S. administrations. Since adequate resources were never appropriated, however, the likely effectiveness of this strategy is still unknown.

With the Clinton administration's emphasis on "border management," it is crucial that additional attention be paid by the enforcement authorities to the strict observance of human and civil rights standards. The administration's impaneling of a Citizen Advisory Board, charged with addressing these issues, is a good and sensitive first step. Even so, the human and civil

rights communities should continue to scrutinize border enforcement and hold the Government and its agents to a much higher code of conduct at the border.

Employer sanctions. Only about half of America's unauthorized immigrants enter the United States illegally; the other half enter lawfully as temporary visitors but then overstay. Tighter border controls might reduce the size of the first group, but they will not appreciably diminish the second.

Employer sanctions, in contrast, are directed broadly. Their premise is that, push factors aside, jobs are what attract unauthorized aliens to industrial societies. Access to jobs had been relatively unhampered until recently.

Nearly a decade after the enactment of employer sanctions, two questions remain unanswered. First, have sanctions reduced unauthorized employment? Second, have they spawned job discrimination based on ethnicity?

The answer to the first question is that while employer sanctions may have complicated the employment searches of unauthorized workers, they have not curbed appreciably the flow of new unauthorized aliens into the U.S. labor market. That is because the social mechanisms that connect employers with foreign workers are primarily family and friends. Sanctions have simply made these networks more important than before. Moreover, sanctions induce many foreign workers to obtain fraudulent documents.

The discrimination question has two components: hiring decisions and wage differentials. The latter is simpler to discuss. Reducing the wages offered to foreign-looking or -sounding workers is a tempting way for employers to pass on their increased costs of monitoring the workplace—actual or expected. In addition to the "fairness" and social policy concerns that all discrimination raises, labor market discrimination lowers labor standards for all workers and requires action to redress it.

Hiring discrimination is more complex. Employer sanctions might simply reinforce the existing ethnic or national-origin biases of some employers. More alarming, however, sanctions might deter some employers from hiring "foreign-looking and -sounding" workers out of fear of liability. Both government and private sector reports have found significant evidence of precisely

such discrimination. Research evidence indicates that uncertainty about the law and the difficulty of ascertaining the authenticity of the offered documentation tend to reinforce discriminatory behavior. This double failure prompted an extraordinary call by the AFL-CIO Executive Council on August 10, 1994 for "a thorough re-examination of ... employer sanctions ... and their effects on workers, as well as the exploration of changes and viable alternatives that will best meet our criteria of fairness and justice for all workers."

Concern about both the system's ineffectiveness and its discriminatory effects has led the U.S. Commission on Immigration Reform to propose a computerized employ-

ment verification system linking Social Security Administration and Immigration and Naturalization Service data bases. An employer would be able to verify electronically a new employee's authorization to work.

The proposal would eliminate legitimate employer confusion and uncertainty about the law's work eligibility requirements and about the appropriate documents for establishing such eligibility. Several questions, however, must be asked: Are confusion and uncertainty the largest cause of employment discrimination? Would the proposal dissuade the risk-averse from

rejecting foreign-looking and -sounding individuals, especially given the current political climate that has nearly demonized illegal immigrants? Finally, would the proposal eliminate the practice by some employers of using immigration law ambiguities as a pretext for playing out in their hiring practices their personal biases and prejudices?

Other concerns fall into two categories: governmental competence, and protection from abuse and of privacy. Government is not very good at maintaining or correcting data bases. For example, in an INS pilot telephone verification project involving immigrant workers a few years back, 28 percent of the individuals checked were not in the INS central data base—an indication that they might not be eligible to work. Further investigation, however, revealed that the majority of those individuals were legally authorized to work. The issue, then, becomes how to handle the inevitable costly "mistakes," which would fall disproportionately on ethnic minorities, the rural poor, and immigrants.



Haitian migrant receives a hand at sea.



Demonstration protests Proposition 187 in California.

There are several sub-issues: Who would bear the burden of lost pay if Government error caused an authorized worker to lose a job opportunity? What procedures would there be for an individual to correct erroneous information in the data base? What safeguards would ensure that the Government and employers did not disclose unauthorized information about identity number holders? Would there be criminal sanctions, civil penalties, punitive and compensatory damages? Would individual Government employees be held personally liable? What would the enforcement procedures be, and who would bear the cost of attorneys to utilize them?

With respect to governmental abuse, the objective of a secure documentation system might conflict with the protection of civil liberties. For instance, the data system might be expanded in response to popular fears and political pressures. The Government might eventually encode various information to achieve benign—even desirable—results. The system, for example, could be encoded to show whether the holder had drunken driving convictions so that drunks did not become school bus drivers, oil tanker captains, and so forth. Once

encoding started, it would be very difficult to resist without appearing to side with the "evil" a particular encoding sought to combat. Thus the Government might encode race, sex, or age data to help achieve affirmative action goals, encode whether someone had AIDS to achieve health goals, and so forth.

A hard-headed review of the civil liberties implications of such a proposal is therefore essential. The discussion must explicitly recognize the seriousness of the privacy concerns. That is especially true since the Oklahoma City bombing earlier this year. "Privacy" and "civil liberties" seem to have acquired a quicksilver character, with many people unclear about, or otherwise unconvinced of, their relevance.

We should accept that effective control of illegal immigration is the indispensable other side to fair and generous immigration policies. Only by controlling illegal immigration can we hope to maintain public support for a generous immigration policy whose benefits are not always self-evident to many Americans. We must also agree that, in any event, employers should continue to be legally protected for verifying in good faith the legal employment certification of each new hire.

Employers should not have the burden of making complex judgments; otherwise that burden could become a pretext for discrimination.

Even given the current political constraints, therefore, the Commission's proposal should be put to a simple "proportionality" test. Are the likely enforcement gains great enough and important enough to justify the abandonment of our commitment to ideas about government, its reach, and its relationship to the governed that have defined our national character and made us almost unique in the community of nations?

Restriction of benefits. The most dramatic single development for undocumented aliens in the past year has been the passage of Proposition 187 by the voters of California. That initiative declares undocumented aliens ineligible for a range of publicly funded services. It also requires State health, education, and welfare officials to perform specified investigation and enforcement functions.

The best known provision of Proposition 187 prohibits undocumented children from attending public schools and requires school district officials to investigate the immigration status of all enrolled children and their parents. Students or parents who are suspected to be without legal status must then be reported to the INS. Since the Supreme Court struck down a somewhat similar Texas statute in 1982, the implementation of Proposition 187 has been stayed pending a final decision on its constitutionality. One can only wonder what impact the denial of an education would have on thousands of morally innocent children and on the larger society if Proposition 187 should be upheld. In the meantime, similar movements are brewing in other states and nationally.

Conclusion

In the end, none of the immigration policies discussed in this article will solve the unauthorized immigration "problem." Issues will remain as long as there exist egregious economic disparities among countries—particularly between contiguous countries that share extensive historical migration relationships.

Therein lie the roots of unauthorized population movements. Absent their improvement, even Draconian control measures will fail to reduce illegal immigration substantially. And in attempting reductions, such measures may damage other values our society holds dear.

Responding responsibly to the challenge of transnational migration is an immense test that requires the thoughtful and sustained care of all members of the world community. To meet the challenge, we must understand properly both the structural causes of migration and the personal ambitions and aspirations of those who move. Whether the issue is one of the most appropriate border or labor market controls, expanding or creating channels of regular immigration access, safeguarding the human, social, and labor market rights of all workers, affirming protections for bona fide refugees, or working cooperatively to achieve measurable progress in the development of the "South," the only viable long-term solution is international cooperation that protects human dignity while safeguarding each country's actual or potential interests.

In addition, policymakers everywhere must remember that the purpose of law is to protect all people who are in fact within a state's political jurisdiction. To do anything less would in the long run undermine the character of the polity in ways that would be far more consequential than the temporary discomfort imposed by unauthorized migration. ♦

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Dr. Stephen H. Legomsky is a professor of law at Washington University in St. Louis, MO. He is the author of a law school textbook "Immigration Law and Policy" and other books on immigration and justice. He has been an immigration adviser to various American officials and organizations, and to the Russian government.

Berkeley's Chancellor Tien on Education and Life

Chancellor Chang-Lin Tien of the University of California at Berkeley, the first Asian American to head a leading university in the United States, is a popular, highly visible chancellor who mingles freely with the students. Before joining the administration, he was on the engineering faculty of the university for 29 years. A former athlete, he maintains an active interest in collegiate sports.

Tien, now 59, was born in China to a wealthy family who lost everything in the revolution. His experience as a refugee and an immigrant student in the pre-civil rights South made a lasting impression. In the current debate over affirmative action, Tien has been outspoken and unwavering in defense of the policy.

Oakland Tribune columnist Brenda Payton interviewed Tien for the Civil Rights Journal. She describes him as not only unusually accessible for a university chancellor but a compassionate person who laughs easily and speaks with obvious sincerity. The interview occurred before the University of California Board of Regents voted in late July to end affirmative action programs based on race, religion, sex, color, ethnicity, or national origin in admissions, employment, and contracting; those votes would have affected the questions asked the chancellor, but not his views, which perhaps even gain in interest. Affirmative action in admissions is not scheduled to end until 1997, and what will finally result from the Regents' votes remains uncertain.

CRJ: *When you became chancellor of U.C. Berkeley in 1990, what were your goals for improving equal educational opportunity and racial and ethnic relations at Berkeley?*

Tien: At that time, I set four goals. First is academic excellence. Second is improving undergraduate education. Third is diversity and campus atmosphere. And fourth is outreach to the community. So several of those are tied to equal opportunity and diversity. At that time I summarized my whole program as excellence through diversity. Many people say excellence and diversity. But nowadays you cannot build up excellence without diversity. So actually, I said excellence through diversity. That highlights my whole program.

CRJ: *You've often said diversity strengthens the academic experience. Why? How?*

Tien: It strengthens the educational atmosphere. We're not just educating our students through books. They have to learn also from campus life. So diversity is a very, very important element in terms of the educational experience. Look at the State of California or the whole Nation. You absolutely need that kind of experience. So we educate people who are aware, who have sensitivity about a multicultural society.

CRJ: *Let me press you a little on that. Can you give a specific example of how diversity improves education?*

Tien: There are many, many. My



Chancellor Tien answers a question.

own background. Asian Americans have been often misunderstood. We are viewed either as nerds or people who have narrow interests—people who are not interested in the humanities or things like this. And that is simply not true. It's a stereotype. To understand and function in the world today, students have to learn these sorts of things aren't true.

Through the campus interaction of different ethnicities, we can immediately eliminate some of these stereotypes.

CRJ: *How do you rate your achievement in those four areas?*

Tien: Generally we have done extremely well. I would say the most important accomplishment is a change of the campus atmosphere. You can see it—this Spring in particular. The faculty, students, staff, alumni are working together in a very nice way. We have a feeling of community as a whole. We're not fighting each other.

CRJ: *And with 30,000 students on campus, a feeling of community must be difficult to achieve. Do you attribute that feeling to the work toward diversity on campus?*

Tien: Yes, I do. To diversity and to the outreach to each of the student groups. It's not easy. We even work to get the city and the surrounding community together.

CRJ: *What is the racial breakdown of Berkeley's student body?*

Tien: It is 39.4 percent Asian American; 32.4 percent caucasian; 13.8 percent Chicano and Latino; 5.5 percent African American and 1.1 percent Native American. You see we have a diverse group. Caucasians are only one-third of the student body.

CRJ: *And the faculty?*

Tien: The faculty is changing rapidly. We are among the best in the

country for minority and women hires. We have the largest number of minority Ph.D. and women Ph.D. candidates.

CRJ: *I imagine you would like to increase the percentages for African American and Native American students.*

Tien: For all three of the underrepresented groups, the Chicano/Latino, African American, and Native American students. We have active outreach programs. The main challenge is at the secondary school level and even earlier. After the fifth or sixth grades, how do you keep the students in school and on track? We have a number of programs that are trying to cultivate a pool of

opment, if people don't have hope.

CRJ: *Can you explain the university's affirmative action policies?*

Tien: In terms of freshmen admissions, 50 percent of the students are admitted purely on academics; we call it the academic index score. It consists of high school grade point average and SAT scores and achievement tests—all of those added together give the score. One half of the student body is admitted based on that. With the rest of the student applications we consider different things—special talents; leadership qualities; extracurricular activities; whether someone is physically disadvantaged; geography, if applicants come from the rural areas and lack some of the benefits of the urban areas. We also consider economically and socially deprived groups, as well as race, underrepresented and historically disadvantaged groups. We look at all of those factors together, in conjunction with academic index scores. And on that basis we select the best students.

CRJ: *So the difference in achievement between students is relatively small?*

Tien: Ninety-five percent of our entering freshmen are from the top 12.5 percent of their high school graduation class. They are very qualified. To select the student body based on academic index scores entirely—no university in the country does that. It's not the right thing to do for higher education. Education is not just from books. If you based admissions only on test scores, the student body would be 90 percent Asian and caucasian. That I don't think would be good for Asian Americans or caucasians. They wouldn't have the opportuni-

ty to experience a multicultural atmosphere.

CRJ: *What about the argument that the special efforts to admit underrepresented students lower the quality of the students and the educational experience?*

Tien: That's just not true. The graduation rate for the underrepresented groups is going up every year for each underrepresented group. All groups are improving and the graduation gap between groups is becoming smaller.

CRJ: *Do you think the programs stigmatize the students who are in them?*

Tien: No, I don't think so. Even with the improving graduation rates you have to recognize that underrepresented minorities have a tremendous hardship when they go to school. Many work outside of school if they come from disadvantaged family and economic backgrounds. That affects the graduation rate; some feel they have to take off a semester to earn money to carry on. You have to look into many factors. But the main thing is all the minorities who graduate are highly qualified. And they add so much to the society.

CRJ: *That's a part of the debate you don't hear much about, the accomplishments and contributions of the students who got in with maybe slightly lower test scores, what they went on to do.*

Tien: Yes.

CRJ: *Does U.C. have such a study or do you know if anyone is doing one?*

Tien: It's difficult to have a quantitative study to track students after they've left the school. The qualitative evidence is extremely clear. The graduates have been extremely successful. You know, affirmative action is not just benefitting



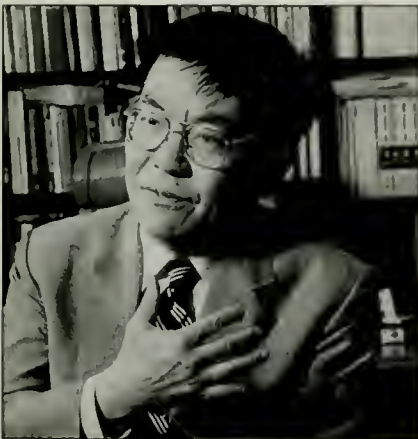
applicants.

The university can't solve the problems by itself. The solution has to come from all areas of our society. We have to come to the realization that we need to improve secondary and post-secondary education. And I think we need to change the general atmosphere. We need to provide more hope so that people can dream and hope for the future. Now many youngsters from disadvantaged groups have lost hope. They don't have what we call the American dream. That is the worst in terms of our future devel-

the underrepresented minorities. It benefits everyone in the society.

CRJ: You are mentioned as one of the top contenders for president of the University of California System. (Editor's note: As the Journal was going to press, the selection of another of the contenders was announced.) And yet you took a strong stand in favor of affirmative action. Did you consider not speaking out because of the timing and the politics?

Tien: It really never came into my mind. I always feel it's the most important thing to consider what's right. I wrote an article for the "My Turn" feature in Newsweek against Proposition 187 (denying services to illegal immigrants). Many people



said the Governor would be mad at me. But I feel as an immigrant I have to speak out. On affirmative action, the regents and the Governor have a strong stand. I respect their stand. We live in a democratic society. But I am the head of a major campus and I must speak out about what is best for the educational program and the students. If I don't, then I'm failing in my duty and responsibility as chancellor.

Despite my taking a strong position disagreeing with some of our leaders, they've been very nice and considerate to me. The Governor's

office called after the 187 article. They said they understood entirely. They invited me to his inauguration. They know me well. This is what I have to do.

CRJ: I've read interviews where you talked about your experiences with segregation in the South when you first came to the U.S. in 1956. Would you retell the story?

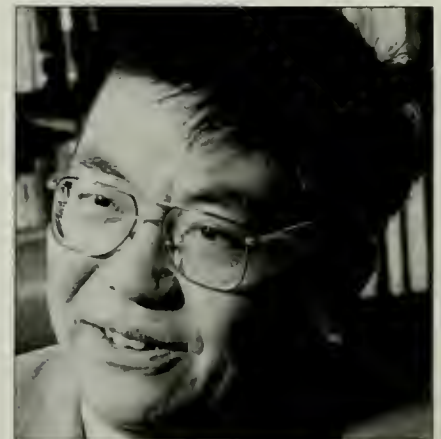
Tien: My experience is relatively unique. I came as an immigrant student in 1956 to Louisville, which at that time was still totally under Jim Crow segregation. Everything was segregated then—drinking fountains, luncheon counters. It was a shock to see that.

CRJ: Had you heard anything about segregation before you came to the States?

Tien: I had heard about it, I had read about it. I never realized how humiliating it would be. The first time I got on a bus, I never really thought it would be segregated. I didn't know what to do. The colored seats were in the back and the caucasian were in the front. Actually, I was standing near the driver. I didn't know whether to sit in the back or the front. And the humiliation of it. After that one experience, for a year, even though I didn't have a car, I didn't take the bus. I walked. I felt so humiliated by that. It still makes a deep impression on me.

In class, almost all the professors and students were very good. But as in society, it only takes one to make a difference, one professor. He called me Chinaman in class; he would say, "You sucker, you don't know anything," in front of the class. It was so hard to fight back. He called me Chinaman from the beginning and I didn't know it was

derogatory. I accepted it. I thought, well, I am from China. Two or three months later, friends and members of the staff took me aside and said I couldn't let the professor call me Chinaman. I wasn't courageous enough to approach the professor. I was his teaching assistant; my teaching fellowship was to work with him. I thought I might lose my whole financial support. After two sleepless nights, I said I couldn't take it anymore. I decided I had to talk to him. I told him he couldn't call me a Chinaman any more in front of the class. He asked what was wrong with that, he'd been calling me Chinaman for the last three months. He asked how was he sup-



posed to call me? I said call me Chang, Tien, or C.L. He said he couldn't remember all those strange names, Ding Dong Chang Ching.

CRJ: He said that?

Tien: Yes. I got so angry I said, "If you can't remember my name, then don't call me anything." He never called me Chinaman for the next nine months, but he never called me by my name.

I never dreamed, though, that 33 years later I would become the chancellor of a great university. Not in my wildest dreams did I see that.

It showed the greatness of the American system. Despite that fact, it's still not perfect. But we're making progress.

CRJ: *Do you feel you might be more objective about race relations in the U.S. because you are not white or black and didn't grow up here?*

Tien: My background, my family. We were very privileged in China. My father was a big banker. We were very well to do—if not the Rockefellers, close to that. We had three chauffeured limos in the '40s. Butler, chef, maid. Every child had a maid. It was a very privileged background. But overnight in 1949 we lost everything, as (people later did) in Saigon. We became extremely

passes?

Tien: If it passes, it will be challenged in the courts. Like Proposition 187—it passed, and we haven't reached a point of seeing it actually implemented. But I must say if that passes, it will have a very negative impact in terms of the campus atmosphere and on the student body. And at the secondary school level, the students will feel there is no hope, that society doesn't care or have a place for them. I am more concerned about the psychological effect—as with 187, which was such a blow to many people. Even though it hasn't been implemented, they feel rejected, unwanted by this country. Students feel they are being looked down on.

I come back to my own experiences. Even as a chancellor, I still experience prejudice. People say, "Go home, go back to your country." I was in Orlando two years ago at the Citrus Bowl. We were at the celebration after the victory; we beat the team from South Florida. I went up with the team to get the trophy and some people began chanting, "Buy America! Buy America!" People feel Asians are not Americans. It has an effect.

CRJ: *You've consistently defended the theme houses on campus for African American, Latino, Asian American students. These are under attack for polarizing students and keeping them from interacting with students of other races to have the multicultural experiences you say are important to the educational experience.*

Tien: I don't think those two goals are in conflict. Sometimes I think the people who are in the majority just don't understand. Being a minority, particularly from historically disadvantaged groups,

it's important to have your own identity. Self-pride and self-confidence are essential before you can join the larger society as equal partners. Outwardly you can put people together, but it won't work until they have equal confidence.

We all would love to see a color-blind environment and society. We haven't reached that yet. We won't until no one calls someone a Chinaman or chants, "You go home! Buy American!" It's true everyone would like to have a color-blind society. Are we already there? If not, then we need to figure out what it will take for us to achieve that. But now you have forces that are counter-productive, that are try-



poor overnight. That background and being a refugee coming to the U.S. and experiencing racial prejudice—that gave me a broader perspective. Because I have gone through a lot of hardship, I always look at things in a positive and constructive way.

I feel I can't tolerate social injustices and discrimination. I believe we have to correct such things and progress beyond them. That's how I look at things.

CRJ: *What will it mean to U.C. Berkeley if the California Civil Rights Initiative (against affirmative action)*



ing to return the racial atmosphere to what it was years ago.

Berkeley is doing extremely well in many ways. I'm more worried about the outside forces affecting our campus in terms of racial tension. We have a good situation on campus. It's not like other universities that are experiencing racial conflict. We've moved beyond that stage. But the outside forces—the leaders in Congress, or the media, the name calling. It really has an effect on our students. We've had recent hate speech incidents because of the atmosphere. There

was a Jewish-Muslim student conflict. Now many people feel it is OK to call others names. They try to hurt a group. And because the political leaders are doing it, it's making it easier and more common. Oklahoma City was another incident responding to that certain subtle influence.

CRJ: *You think the bombing in Oklahoma City is related to a growing intolerance?*

Tien: President Clinton made that point.

I generally feel society is becoming less tolerant during this period. People are impatient. They've lost a sense that this is a great society, despite its imperfections. It's still the best society in all the systems we know. People have lost that sense of pride. They are becoming intolerant and insensitive and becoming mean-spirited. We have to turn this around.

I am reminded every day in this job that people can criticize. I remind myself to keep my cool, to be generous, gentle, considerate, understanding, and to think of the other side—and to be patient. We need all of these virtues. I have the Zen symbol on the wall. The most important thing is to find peace within our souls. I practice this every day.

CRJ: *On a less spiritual note—do you think the outreach programs should be based on economics and not race?*

Tien: I believe in a constant review of our programs. We are constantly reviewing and improving our affirmative action measures. Because society is changing, the environment is changing. We change the admission policies; we seek the best policy and means of attracting the best students for our

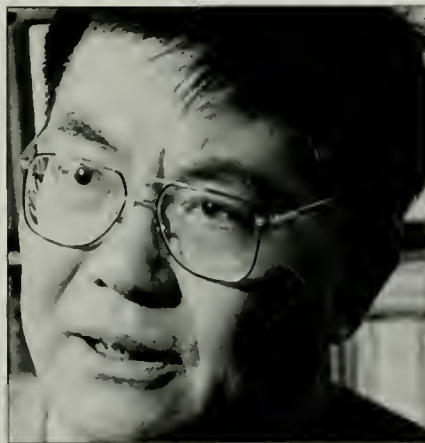
university. We have to constantly reevaluate so we don't get into a situation where you have so-called, blatant reverse discrimination.

CRJ: *Do you think the anti-affirmative action initiative may have had some positive effect by inspiring discussion?*

Tien: Debate and discussion can have positive effects—progress—as long as it doesn't get destructive and confrontational. I hope we can all keep the debate on a reasonable, rational level. Then we will have heightened public awareness.

CRJ: *What are your goals for the next five years?*

Tien: I feel very positive. Even with the affirmative action initia-



tive, it's part of American society, which is built on democratic principles—liberty and freedom. We will make further progress to a higher level; any setback is just temporary. Sometimes you need a challenge to make adjustments—so you don't go overboard, you need correction. I am very positive about the Berkeley campus. We are going into the 21st century making Berkeley an even greater institution.

I have a lot of stories to tell. In 1959 when I came as a professor, the engineering school was on Hearst,

the north side of campus. I was trying to find an apartment on the north side. I could never find one. I got an agent and he showed me the listings in Berkeley. The multilistings said no Negroes and Orientals on the north side. In Berkeley! We had to move to the southwest side that first year. There would be a For Rent sign in the window, but when I went inside they would say there were no apartments, they had been rented. The next day the sign would be in the window again. I never suspected to encounter that discrimination, not in Berkeley.

I have many, many stories. These experiences sometimes can destroy you, or you can grow—they can make people strong. We have to think of ways how to use them to make people stronger. I've always believed you have to turn disadvantage to advantage.

For example, I speak with a very strong accent. Some would say that is a tremendous disadvantage. When I teach, my students say my accent is hard to catch. It makes me work harder. I have my class notes very well organized and prepared. The students say they love the class. The accent becomes a challenge and the material is interesting. They have to pay attention. They say it makes them work harder, listen more carefully. You see, it has become an advantage.❖

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CENSUS FACES COMPLEX ISSUE OF RACE

By Ellis Cose

Racial classification has always been a serious—if maddeningly imprecise—business, determining who gets access to which wing of the American dream. Slave or free-man, citizen or alien. "Tell me your color," America proclaimed, "and I'll tell you your place."

The Nation has long outgrown the days when slavery was a color-coded calling and naturalization was restricted to "aliens being free white persons," but the legacy of color consciousness remains. Too often our culture embraces the notion—even as our laws reject it—that all races are not equal. Nowhere is that assumption more apparent than in our accepted definition of race. For whereas one drop of "black blood" is generally considered sufficient to render one black, whiteness is not so easily bestowed.

Many people are now suggesting that the time has come to reject racial definitions rooted in slavery (and in the drive to create a sharp black-white divide that miscegenation had, in some respects, erased). Isn't it time, some critics ask, to rethink, and perhaps dismantle, a racial categorization system whose primary function is to separate and divide? What's the point, they ask, in forcing people into black, white, yellow, or red boxes that cannot possibly accommodate America's growing racial diversity, particularly when the black box is fundamentally different from the others, carries the full baggage of slavery, and defies all common sense? Why, they ask in effect, must a person with any degree of black African ancestry be forced to pretend that no other racial heritage counts?

The questions come most insistently and most urgently from those who make up what has been dubbed the "multiracial movement" and who resent being asked to deny a major part of who they are. Though the issue of racial classification is important to multiracial persons of all conceivable backgrounds, it has assumed a particular importance for those whose heritage is, to some degree, black. For unlike Americans of other races, blacks have largely been defined by the so-called one-drop rule: the presumption that a small percentage of black ancestry effectively cancels out any other racial claim.

Sorting out the matter of racial identification is not the only, or even the most important, task facing the U.S. Bureau of the Census as the decennial census approaches. Correcting the chronic undercounting of certain groups is, in some sense, a larger problem. But the issue of racial categorization may well be the most explosive issue on the table. People have strong feelings about how they are grouped, particularly when it comes to race; and often people's sense of where they belong is very different from the place where others tend to put them.



Race is such a subjective and squishy concept that there is no objective way of determining who is right. Moreover, as philosopher and artist Adrian Piper has observed, "The racial categories that purport to designate any of us are too rigid and oversimplified to fit anyone accurately." At a time when the very idea of racial categories is under assault, the Census Bureau is charged with carrying out what may well be an impossible task.

Piper's own sense of the absurdity of America's concepts of distinct racial groups arises from being a "black" person whom many people assume to be "white." She seemed so white to her third-grade private school teacher that the woman wondered whether Piper knew that she was black. Piper, of course, is only one of a long line of people who have found their appearance to be at odds with what America insisted that they were.

In 1983, for instance, an appeals court ruled that a Louisiana woman must accept a legal designation of black, though by all outward appearances she was white. The woman, Susie Guillory Phipps, who was then 49, had lived her entire life as a white person. Upon hearing the court's decision, she told a Washington Post reporter, "My children are white. My grandchildren are white. Mother and Daddy were buried white. My Social Security card says I'm white. My driver's license says I'm white. There are no blacks out where I live, except the hired hands." Phipps had discovered that the State considered her black on obtaining a copy of her birth certificate in order to get a passport. Her attempt to change the designation eventually led her to court. A genealogist who testified for the State uncovered ancestors Phipps knew nothing about and calculated that she was 3/32 black. That was sufficient to make her black under a Louisiana law decreeing that a person who was as little as 1/32 black could not be considered white.

That Louisiana law was unique in this modern era in writing racial classifications into law, but the acceptance of the notion that "black" encompasses virtually everyone with black African ancestry is widespread. It is embodied not only in census data but in civil rights law. Consequently, many people who care about such laws find the matter of reexamining racial categories (especially of who belongs in the "black" category) to be unsettling.

Not that anyone believes that the current categories—spelled out in Office of Management and Budget Directive No. 15—reflect the true diversity of who Americans are. The population of the United States, as even defenders of the present system will acknowledge, consists of much more than four racial clusters

(American Indian or Alaskan native, Asian or Pacific islander, black, white) and one relevant ethnic group (Hispanic). An array of spokespersons for an assortment of ethnically or racially interested organizations have proposed that the current categories be changed, or at least expanded. They have made arguments for Middle Easterners to be seen as something other than white, for Hawaiians to be grouped with Native Americans, and for Hispanics to be made into a separate racial (as opposed to ethnic) group. The most intriguing argument, however, comes from those who insist that the Census Bureau should sanction a multiracial category that would, at a minimum, encompass the children of those who come from different racial groups.

Susan Graham, a white woman married to a black man in Roswell, GA, told the U.S. House Subcommittee on Census, Statistics, and Postal Personnel that she was not at all happy with census bureaucrats who had told her that biracial children should be assigned the mother's race because "in cases like these, we always know who the mother is and not always the father." She apparently was not so much angered at the suggestion of uncertain paternity as at the fact that no present category reflected her biracial children's full heritage. Instead of making her choose between black and white boxes, she said, the Census Bureau ought to have a category called multiracial.

As Lawrence Wright reported in the July 25, 1994 New Yorker magazine, the proposal "alarmed representatives of the other racial groups for a number of reasons, not the least of which was that multiracialism threatened to undermine the concept of racial classification altogether."

Without question, the current categories are, in many respects, arbitrary. They reflect the conventions of a slave-holding past and serve the needs of various political agendas, but they have nothing to do with the science of genealogy, or for that matter, with science at all. Nor is their meaning always clear. Directive No. 15 instructs that "the category which most closely reflects the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origin." But what about those people who, like Susan Graham, believe multiracial is the only label that fits? As the incidence of interracial marriage increases, more and more people will no doubt find themselves in Susan Graham's shoes.

In 1992, in Bethesda, MD, several hundred such people came together for the "first national gathering of the multiracial community," as described by Bijan Gilanshah, in the December 1993 Law and Inequality journal. Gilanshah saw the meeting as an important

development in the evolution of a growing social movement. Multiracial individuals, he wrote, existed in a "state of flux." The gathering was only one sign of many that they were "demanding clarification of their nebulous social and legal status and seeking official recognition as a distinct, powerful social unit with idiosyncratic cultural, social and legal interests."

Gilanshah pointed to several bits of evidence in support of his conclusion. Nearly 10 million people had elected to place themselves in the "other" category in the 1990 census, he noted; and interracial unions had sharply increased, seemingly tripling between 1970 and 1990, even as a host of self-described multiracial organizations were springing up around the country. Many of the multiracial activists, he noted, had intense feelings on the subject. "For the multiracial movement, failure of the government to include a multiracial category would result in cultural genocide," argued Gilanshah.

Julie C. Lythcott-Haims, writing in the Harvard Civil Rights Civil Liberties Law Review for the summer of 1994, made a similar argument. Her primary concern was with adoption policies aimed at ensuring that children are placed with adoptive parents of their own race. She objected to such policies, pointing out that race matching cannot always work "because millions of children are born not merely of one race." Lythcott-Haims went on to make a broader argument whose implications stretched beyond her immediate concern of adopted children. The Census Bureau, she said, should accept a multiracial category "based on the logic that if people must be categorized according to race, these categories should be more accurate."

Lythcott-Haims was especially emphatic in her rejection of the so-called one-drop rule. The assumptions underlying it, she wrote, are "blatantly racist because the central premise is that 'Black blood' is a contaminant while 'White blood' is pure." Moreover, she noted, some multiracial people are uncomfortable declaring one of their racial lines to be better, or more worthy of acknowledgement, than the other: "The Multiracial person can hardly advocate the superiority or inferiority of one race without touching off a potentially damaging identity struggle within herself."

For Lythcott-Haims, the quest of multiracial individuals for their own racial designation was anything but a trivial pursuit. "If you identify as Black or Asian and our society officially classified you as White, how would you feel? If you identify as White and society required

you to call yourself Latino, how would you feel? ... If we send in our forms but the Census chooses not to recognize us for what we are, it is as if we do not officially exist," she wrote.

Without question, Lythcott-Haims and Gilanshah are correct in noting the absurdity of the current classification scheme. It is folly to force people to try to fit into narrow boxes that do not reflect their real complexity or their true sense of identity. But that does not necessarily mean that a multiracial box would make racial categories any less absurd, or render them any more accurate.

For one thing, a multiracial designation does not really categorize a person racially. It simply indicates that a person fits into more than one category. Consequently, it could end up being even less precise than the groupings we have now. If the rubric applies to anyone of racially diverse ancestry, it could conceivably apply to most Americans now considered "blacks," as well as to a substantial portion of those who belong to other recognized racial groups.

Even if it is taken (as many proponents would like) to apply only to those with two parents of recognizably different racial stock, it is not a very accurate descriptor. A multiracial box (unless it spelled out what racial heritages were subsumed by the designation) would put the offspring of a white person and a Native American in the same pigeonhole as the offspring of a black person and a Chinese American. While the offspring of both unions would certainly be multiracial, not many Americans would consider them to be of the same race. In all likelihood, society would still consider the black-Asian child to be black (or perhaps mixed) and the white-Native American child to be white. They would probably, in any number of circumstances, be treated quite differently.

A New York Times poll of 1991, for instance, found that 66 percent of whites were opposed to a relative marrying a black person, whereas 45 percent were opposed to a relative marrying a Hispanic or Asian person. Clearly, in the eyes of many of those respondents, all multiracial families are not created equal. If part of the purpose of census classifications is to permit the Government to determine how various groups are treated, aggregating groups whose only common denominator is that their parents are racially different would not do much to advance that purpose.

But even assuming one could agree that all people

Critics are correct in noting the absurdity of the current classification scheme.

Continued on page 34

RESEARCH IMPROVES QUESTIONS

By Manuel de la Puente and Ruth B. McKay

Although race is a familiar concept, and discussions concerning this seemingly basic human characteristic are encountered on a daily basis in print and broadcast media, race is a difficult trait to measure in surveys. Social scientists, however, are achieving valuable information on how individuals interpret and respond to survey questions, including questions on race and ethnicity.

One such effort, by a team of social scientists from the Federal and private sectors, developed the Supplement on Race and Ethnicity for the May 1995 Current Population Survey. This supplement was carried out as part of a wide-ranging review of the racial and ethnic categories contained in the Office of Management and Budget (OMB) Directive No. 15. The OMB categories have served as the standard for Federal statistics and administrative reporting since 1977. Over the years since the standards were adopted, citizens who report information about themselves, as well as users of data collected by Federal agencies, had indicated that the categories were becoming less useful in reflecting the diversity of the Nation's population.

Cognitive interviewing techniques were used to fine-tune and organize the questions in the final version of the supplement.

Cognitive, or "think-aloud," interviewing is a technique used in an individual face-to-face interview to learn about how a respondent comprehends a question, and the cognitive steps he or she goes through to produce an answer to the question. The cognitive interview employs "think-aloud" techniques, in which the respondent is instructed to think out loud as he or she answers the question; "paraphrasing," in which the respondent is asked to repeat the question back in his or her own words; and "probes," including the "comprehension/interpretation" probe of "What does the term _____ mean to you?" and general probes, such as "How did you arrive at that

answer?"

The Current Population Survey (CPS) is a monthly Bureau of Labor Statistics and Bureau of the Census survey of the population using a probability sample of 60,000 households representing the civilian non-institutional population of the United States. The CPS regularly collects labor force information—such as employment, unemployment, and earnings data—and will often contain a supplement, or additional questions, about a topic of timely interest to policy makers. In May 1995, such a supplement was on race and ethnicity.

Three research issues guided the choice of questions for that supplement: 1) the effect of providing a "multiracial" reporting category for persons who do not identify with a single race; 2) the effect of combining race and Hispanic origin in one question, where "Hispanic" would be an option on the list of racial categories; and 3) preferences for alternative designations for racial and ethnic categories, such as Latino for Hispanic, or African American for black. The rationale for the first and last issues are apparent; the second issue was designed to address the large number of Hispanics who marked "Other" on the race question in the 1990 decennial census.

From mid-November 1994 through mid-February 1995 a team of nine social scientists from four Federal agencies, two major universities, and one private contracting firm conducted a total of 83 cognitive interviews with people from different racial and ethnic backgrounds and of different educational levels. These interviews were conducted in Chicago, Houston, New Orleans, New York City, rural California, rural Mississippi, rural West Virginia, San Francisco, and Washington, D.C.

This cognitive research was an "iterative," or repetitive, process. The research team conducted a series of cognitive interviews and then met to discuss the results. Problematic questions were reworded, the order of questions changed, and ques-

tions that were found to be sensitive, or too difficult for the respondents, were eliminated. The research team then conducted additional cognitive interviews with the revised supplement in order to ensure that the revised questions were understood by, and did not offend, respondents. Three sets of cognitive interviews were required to produce the final version of the supplement.

The interviews were individual and were tape-recorded, with the consent of the participants, for subsequent analysis. Since the CPS is administered by telephone or in person, the supplement questions were read to the respondents.

Several problems with the supplement were identified through the iterative process of cognitive testing:

- Vaguely worded questions that were open to varied interpretations, such as questions that asked if the respondent belonged to any specific group, without indicating that a specific ethnic group was called for.
- Questions that evoked unintended emotional responses. A question that asked whether "...using a particular racial category, [e.g., white, black], to describe yourself would make you feel: very comfortable; somewhat comfortable; somewhat uncomfortable; very uncomfortable?" made respondents uncomfortable about answering the question.
- Questions that were too abstract or contained words such as ethnicity that were not readily understood.
- A sequence in which questions were asked influencing how a question was interpreted and therefore affecting the responses. For example, in two versions, a question asking whether the respondent would have liked to have a multiracial response category came after a question that asked the respondent to list his or her ancestry. This sequence led respondents who had recalled a remote Hispanic or Native American ancestor on the ancestry question to wonder

aloud whether they should say they were multiracial.

Two examples illustrate how cognitive interviews provided insights that resulted in corrected questions:

- An original, vague question asked, "Would you have liked to have had a multiracial category on the list of races?" Cognitive research revealed that respondents thought this question was a test of political correctness rather than an attempt to learn whether the individual would have wanted a multiracial category for reporting his or her own race. The question was revised thus, "Would you have liked to have had a multiracial category on the list to better describe yourself?"
- An original, misinterpreted question asked, "Are you Hispanic, Latino, or of Spanish origin?" Some non-Hispanic respondents saw this as a forced choice question and tried to decide which category they should choose. The question was revised, "Are you one of the following: Hispanic, Latino, or of Spanish origin?"❖

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with parents of different racial stock should be considered members of a new race called "multiracial," what about those people who do not really care for that designation? What about the numerous offspring of black and white unions, for instance, who insist on calling themselves black? Providing them with a multiracial box would not guarantee that they would check it. And what about the children of "multiracial" parents? If the designation only applied to the first generation, would children of multiracial people become (like many light-skinned "blacks" who are clearly of mixed ancestry) monoracial by the second generation? Or would those children 20 years from now be fighting for yet another redefinition of race?

And what about Hispanics? Obviously many Latinos find the current categories lacking. They are uncomfortable with a system that insists that they define themselves either as black or white. In the 1990 census, roughly half of the Latinos in California described themselves as neither white, black, American Indian, nor Asian. They were "other." But that does not mean that a "multiracial" grouping is the solution.

Certain Latino leadership organizations, after all, prefer a designation that would set Hispanics apart from other groups racially, not that would throw them into one huge category that combines all people of mixed racial heritage. Moreover, many Latin American cultures recognize an array of racial delineations much more complex than those acknowledged in the United States. Brazil, for instance, once had more than 40 different racial categories. And Latin societies have come up with an array of terms to note the differences in those who are light-skinned and "European looking" and those who are not.

In an essay in "Empowering Hispanic Families: A Critical Issue for the '90s," Frank F. Montalvo observed: "At the heart of the Hispanic experience in the United States is a form of racism that both binds light and dark Latinos to each other and divides them into separate groups. Race may prove to be a more pernicious element in their lives than are linguistic, cultural and socioeconomic differences." It is not at all clear that allowing Latinos the option of describing themselves as multiracial would resolve the problems many have with the current categories, or would allow Latinos to express the true racial complexity of their cultures.

In an article in *Transition* entitled "Passing for White, Passing for Black," Adrian Piper tried to explain the

phenomenon of people whom the United States had designated as "black" deciding to live their lives as "white." "Once you realize what is denied you as an African-American simply because of your race," wrote Piper, "your sense of the unfairness of it may be so overwhelming that you may simply be incapable of accepting it. And if you are not inclined toward any form of overt political advocacy, passing in order to get the benefits you know you deserve may seem the only way to defy the system."

The suspicion in some quarters is that the new emphasis on a multiracial category may be motivated by a desire to escape into a more socially congenial category—at least for those who face the alternative of being forced into the black box. The multiracial category, after all, is not really new. The rise of the mulatto category during colonial times was an

acknowledgment that the offspring of black-white unions were not necessarily either black or white. But after emancipation the in-between status of mulattos "threatened the color line," as Gilanshah, among others, has noted. So the mulattos were pushed into the black category.

Gilanshah obviously does not equate the new multiracial group with the privileged mulattos of yesteryear. But in many respects, the language of the multiracial lobby invites such a comparison. Many advocates of the new designation see multiracial individuals as ambassadors between groups. Gilanshah, for instance, argues that society would benefit from having multiracial people who are uniquely positioned to be "sensitive, objective negotiators of inter-group racial conflict." But to assume that only designated multiracial people can be a bridge between races is to assume that others cannot be. It is also to reawaken recollections about the middle-man role of American mulattos and Latin American mestizos, groups who were assigned a status lower than that of whites, but higher than that of the groups with whom the whites had mixed. Their purpose, at least in part, was to reduce ethnic tensions and to keep people in their assigned places.

The Rev. Jesse Jackson has looked not to American history but to South Africa and its "colored" class to find an analogue to the multiracial category. Sociologist and anthropologist Pierre L. Van Den Berghe makes the same comparison. "It boggles my mind that the United States, in the late 20th Century, is (considering) reinventing the nonsense that South Africa invented 300 years ago," Van den Berghe told a reporter for the *Los Angeles Times*. A separate multiracial category, he

Obviously many Latinos find the current categories lacking.

argued, would further "the inanity of race classification." Moreover, he saw the category as redundant. Afro Americans, he asserted, are in fact already "mixed-race."

None of this is to say that there is anything wrong with people defining themselves as multiracial. In many respects, it is certainly a better descriptor than black, white, American Indian, or Asian. And indeed, during the next year, as the Census Bureau tests its various racial indicators, the multiracial category should be given its due. The Bureau should evaluate whether a new multiracial category would increase the census's clarity or simply heighten confusion. Certainly, if multiracial persons are allowed to describe themselves as multiracial and then forced to specify how, the quality of the information gathered should not diminish and would perhaps be enhanced.

Still, adoption by the census of a multiracial box is not likely to accomplish much of what its proponents seem to seek. It would not prevent Americans from assuming that people who "look black" are black, whatever their other heritage. It would not provide a reliable anchor in racial identity, since multiracial is not so much an identity as an acknowledgement of multiple heritages. And it would not change current thinking that divides people into often opposing racial and ethnic groups.

It would not, for instance, persuade the members of the National Association of Black Social Workers who have been outspoken for more than 20 years in advocating that "black" children go only to "black" families to shift their position suddenly. Nor would it likely mean a change in the practice of discrimination in employment or elsewhere. It certainly would not help, and might well hurt, enforcement of laws dealing with housing discrimination, employment discrimination, and voting rights.

In the New Yorker magazine, Lawrence Wright observed: "Those who are charged with enforcing civil-rights laws see the multiracial box as a wrecking ball aimed at affirmative action, and they hold those in the mixed-race movement responsible." Wright wonders about the practical effect: "Suppose a court orders a city to hire additional black police officers to make up for

past discrimination. Will mixed-race officers count? Will they count wholly or partly?"

Proponents of the multiracial classification obviously do not tend to see themselves in such a light. They are not so much making a political protest, as a personal statement about identity. And the question they raise is clearly an important one and, in some sense, an inevitable one.

Certainly it is possible to envision a multiracial box, perhaps in addition to an "other" box, that would not undermine civil rights laws, or launch demands for special status for a multiracial "race." The option would simply allow people to describe themselves as what they perceive themselves to be. And if that box also forced people to designate in what ways they were mixed, the information could eventually be aggregated in whatever way would be useful. In short, the purposes of the data collection process could be served, while people were allowed to make a statement about their personal identity. No census box, however, will solve the larger problems of race in this country. Nor will a census box resolve anyone's sense of racial alienation, or provide a secure racial identity.

Ideally, one day we will get beyond the need to categorize. Certainly, geneticists and other scientists are concluding that racial categories make little sense. But the tendency to categorize is strong, and will clearly be with us for a while. For the time being those who are struggling with such issues might be well advised to heed the words of Adrian Piper, who declared, "No matter what I do or do not do about my racial identity, someone is bound to feel uncomfortable. But I have resolved that it is no longer going to be me."❖

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THIS WAY?

VOTING RIGHTS AT A CROSSROADS

By Laughlin McDonald

The debate over majority-minority voting districts is threatened with death by drowning in a sea of misinformation and speculative assumptions. The hard facts are that the increase in the number of minority elected officials, particularly in the South, is the product of an increase in the number of majority-minority districts and not of minorities being elected from majority white districts. And because of the prevalence of white bloc voting, minority populations well above 50 percent are generally necessary for minorities to have a realistic opportunity to elect candidates of their choice.

Of the 17 African Americans elected to Congress in 1992 and 1994 from the states of the old Confederacy, all were elected from majority-minority districts. The only African American in the 20th century to win a seat in Congress from a majority white district in one of the nine Southern States targeted by the special preclearance provisions of the Voting Rights Act was Andrew Young of Georgia. He was elected in the biracial afterglow of the civil rights movement in 1972 from the Fifth District, where African Americans were 44 percent of the voting age population. Still, voting was racially polarized and he got only 25 percent of the white vote.

Those who have contended that racial bloc voting was a relic of the past in the new South always brought up the example of Andrew Young. His election was proof that a moderate African American candidate who knew how to organize a campaign could pile up white

votes and win anywhere, they said. Young proved them wrong. In 1981, after serving in Congress for three terms, being Ambassador to the United Nations, and raising more money than in previous campaigns, Young got only 9 percent of the white vote in his election as mayor of majority black Atlanta. In 1990, Young ran for governor of Georgia. In both the primary and runoff he got about a quarter of the white vote, but running statewide where African Americans are 27 percent of the population, he was defeated. Even for a candidate with extraordinary qualifications, such as Young, racial bloc voting is a political fact of life.

A pattern of office holding similar to that in Congress exists for Southern State legislatures. Approximately 90 percent of all Southern black legislators in the 1980s were elected from majority African American districts. No African Americans were elected from majority white districts in Alabama, Arkansas, Louisiana, Mississippi, and South Carolina.

By 1994, there were 262 black state legislators in the Southern States, 234 (89 percent) of whom were elected from majority African American districts. Of the 1,495 majority white legislative districts, only 28 (2 percent) were represented by African Americans, a percentage basically unchanged since the 1970s. For African Americans to have a realistic chance of winning, they have had to run in majority black districts.

There has also been a substantial increase in the num-

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OR THIS WAY?

VOTING RIGHTS AT A CROSSROADS

By Abigail Thernstrom

Myths abound on the subject of minority voting rights. For instance, it is widely reported that white voters reject African American candidates. And thus, in the wake of the U.S. Supreme Court's recent decision in *Miller v. Johnson*, in which Georgia's 11th Congressional District was ruled an unconstitutional racial gerrymander, the media generally drew a dreary picture of inevitably diminished black office-holding.

In fact, every deliberately drawn majority-minority legislative district rests precisely on that assumption. Black and Hispanic voters, it is believed, will have little or no opportunity to elect the candidates of their choice if they cast their ballots in constituencies where non-Hispanic whites are a majority. Electoral opportunity is not a matter of political mobilization and access to the polling booth; only in settings in which minority candidates are protected from non-Hispanic white competition are the candidates who are the choice of minority voters electable. The argument conflates opportunity and result. But that odd conflation is justified on the ground that minority candidates win only in districts deliberately created as safe havens for them. Opportunity and results are thus seen as one and the same; opportunity has been present only where results are evident.

That argument clearly serves the interests of minority politicians. All candidates (whatever their color) like safe districts in which to run, and majority-minority

constituencies are almost always safe for minority candidates. African American voters bloc vote and white candidates seldom run where they are clearly not wanted. But a less politically secure setting is not one in which opportunity is absent. In fact, minority candidates are often elected with the aid of white support. The conventional wisdom to the contrary is simply wrong.

The point is particularly clear with respect to mayoral elections, since it is those elections that most often attract African American candidates. African Americans are apparently willing to run in minority-black cities, but do so much less frequently in minority-black congressional and other legislative districts. In part, that is undoubtedly because city elections have been the obvious scene of African American political success. In 1967, when Carl Stokes became the Nation's first African American mayor, Cleveland was only 38.3 percent black. In subsequent years, in cities of more than 50,000 population, only 17 percent of African American mayors were elected in majority-black municipalities; 83 percent needed and got white and other nonblack support. Over time, African American politicians came to know they could win the mayor's office without the protection of a majority-black setting.

The cities in which African American mayors have won without the aid of a majority-black population have been big and small—ranging from New York and

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ber of minorities elected to city and county offices throughout the South. As with Congress and state legislatures, the increase can be traced directly to the creation of majority-minority voting districts.

It is possible, of course, to confuse the exceptions such as Andrew Young with the general rule, but to do so requires one to rely upon anecdotal evidence and ignore the facts. One scholar has concluded based upon a recent study funded by the National Science Foundation, by far the most comprehensive study to date of the impact of the Voting Rights Act, that "[t]he arguments that Blacks need not run in 'safe'

minority districts to be elected, that White voters increasingly support Black politicians, that racial-bloc voting is now unusual—all turn out to be among the great myths currently distorting public discussion."

Numerous decisions of Federal courts support that conclusion. To cite just a few, in Burke County, GA, the court found "overwhelming evidence of bloc voting along racial lines." In Chattanooga, TN, black and white voters "vote differently most of the time." In Arkansas, voting patterns were described as being "highly racially polarized." In Springfield, IL, there was "extreme racially polarized voting." In northern Florida, voting was not only polarized but was "driven by racial bias."

If whites voted freely for minorities there would be no need to include race in the redistricting calculus, and in places where significant racial bloc voting does not exist the courts have not required the creation of majority-minority districts. But because whites generally vote on racial lines, majority-minority districts are necessary to provide minorities the equal opportunity to elect representatives of their choice.

Some have argued that partisanship, not race, is the determinative factor in elections. African Americans, however, have generally been unable to win in majority white districts no matter whether they were controlled by Democrats or Republicans. The argument also ignores the fact that partisanship is inextricably bound up with race. Much of the political dealignment and realignment that has taken place in this country over the past 30 years has itself been driven by race. Conservative whites have fled the Democratic Party for

various reasons, but important among them have been the increased participation of African Americans in party affairs and the belief that the party was too preoccupied with civil rights.

Majority-minority districts are not a form of segregation, as some have charged. The majority-minority congressional districts in the South are actually the most racially integrated districts in the country and contain substantial numbers of white voters, an average of 45 percent. Moreover, African Americans in the South continue to be represented more often by white than by African

American members of Congress, 58 percent versus 42 percent. No one who has lived through it could ever confuse existing redistricting plans,

African Americans in the South continue to be represented more often by whites than by African American members of Congress.

with their highly integrated districts, with racial segregation under which African Americans were not allowed to vote or run for office.

While the converse is exceptional, whites are frequently elected from majority-minority districts. During the 1970s whites won in 48 percent of the majority black legislative districts in the South, and in the 1980s in 27 percent. In Georgia in 1994 whites won in 26 percent of the majority African American legislative districts. Given those levels of white success, racially integrated majority-minority districts cannot be dismissed simply as "quotas" or "set-asides" for minorities.

There is no evidence that majority-minority districts cause harm or increase racial tension. In *Miller v. Johnson* (1995) the U.S. Supreme Court invalidated Georgia's majority black 11th District on the grounds that race was the predominant factor in the redistricting process and the State impermissibly subordinated its traditional redistricting principles to race. The trial court, however, expressly found that the plaintiffs "suffered no individual harm; the 1992 congressional redistricting plans had no adverse consequences for these white voters." The Supreme Court did not disturb those findings.

Far from causing harm, the evidence suggests that integrated majority-minority districts have promoted the formation of biracial coalitions and actually dampened racial bloc voting. In Mississippi, after the creation of the majority black Second Congressional District, Mike Espy, an African American, was elected in 1986 with about 11 percent of the white vote and 52 percent

of the vote overall. In 1988 he won reelection with 40 percent of the white vote and 66 percent of the vote overall.

In Georgia, the Second and 11th Congressional Districts became majority African American for the first time in 1992. From 1984 to 1990, only 1 percent of white voters in the precincts within the Second, and 4 percent of white voters in the precincts within the 11th, voted for minority candidates in statewide elections. A dramatic and encouraging increase in white crossover voting occurred in 1992. Twenty-nine percent of white voters in the Second and 37 percent of white voters in the 11th voted for minority candidates in statewide elections that year. Whether these trends are temporary or not, they undercut the argument that majority-minority districts have exacerbated racial bloc voting.

In *Miller* the Supreme Court stopped far short of saying that a jurisdiction could not take race into account in redistricting or that it could not draw majority-minority districts. Indeed, Justice Sandra Day O'Connor, who was the crucial vote for the five-member majority, wrote in a concurring opinion that where a state redistricts in accordance with its "customary districting principles" it "may well" consider race, and that judicial review was limited to "extreme instances of gerrymandering." Such a view is consistent with the Voting Rights Act and the interpretation it has always been given that a jurisdiction must take race into account to avoid diluting minority voting strength.

As a practical matter it is probably impossible to avoid considering race in redistricting. Members of the

Supreme Court have frequently observed that one of the purposes of redistricting is to reconcile the competing claims of political, religious, ethnic, racial, and other groups. Legislators necessarily make judgments about how racial and ethnic groups will vote. According to Justice William Brennan, "It would be naive to suppose that racial considerations do not enter into apportionment decisions."

Indeed, voting districts have traditionally been drawn to accommodate the interests of various racial or ethnic groups—Irish Catholics in San Francisco, Italian Americans in South Philadelphia, Polish Americans in

Chicago. No court has ever held these districts to be constitutionally suspect or invalid. To apply a different standard in

As a practical matter, it is probably impossible to avoid considering race in redistricting.

redistricting to African Americans based upon speculative assumptions about segregation and harm would deny them the recognition given to others. To do so in the name of color-blindness or the 14th amendment, whose very purpose was to guarantee equal treatment for African Americans, would certainly be ironic.

Integrated majority-minority districts are good for minorities because they provide them equal electoral opportunities. They are also good for our democracy. They help break down racial isolation and polarization. They help insure that government is less prone to bias, and is more inclusive, reliable, and legitimate. These are goals that all Americans should support.❖

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Chicago to Battle Creek, MI and Lewiston, ME. Only this Spring, Ron Kirk, an African American who had served as Texas Gov. Ann Richards' secretary of state, took the mayor's seat in Dallas. Approximately 40 percent of white voters cast their ballots for Kirk, who won with 60 percent of the total vote. With Hispanics supporting a Hispanic candidate, the coalition that swept him into office was non-Hispanic white, or "Anglo," and African American. Moreover, real estate developers and other Anglos prominent in the business community turned their backs on the candidacy of an Anglo lawyer and poured money into Kirk's campaign.

It is not only in races for a mayor's seat that white voters choose African American candidates over those who are white. L. Douglas Wilder, in his successful Virginia gubernatorial run in 1989, got an estimated 40 to 43 percent of the white vote—in a state 17 percent black. Skeptics will say that his white vote still represented only a minority of the white electorate; but Charles Robb, the Democratic Governor who preceded Democrat Wilder, did only a shade better—45 percent. Carol Mosely-Braun was elected United States Senator in a state less than 15 percent black. In 1994, Ohio (11 percent black) elected J. Kenneth Blackwell as state treasurer and New York (16 percent black) chose H. Carol McCall as state comptroller. Also in 1994, J.C. Watts won a congressional seat in a 93 percent white Oklahoma district. This list could obviously be extended.

But overall black office-holding still falls woefully short of the proportionality mark, it is often said. Even with the conscious drawing of majority-minority districts. Clearly the system is not racially fair. In 1992 African Americans were 11.3 percent of the voting age population and only 1.6 percent of all elected officials.

Those percentages are quite misleading. African American candidates are almost invariably Democrats—usually liberal Democrats. They are very weak competitors in places where Republicans generally win. Thus, the real questions are: What proportion of those offices held by Democrats (or more specifically, by liberal Democrats) do African Americans occupy?

And for how many of those offices have they made a run?

To the first question, we do have a partial answer. In the 1992 Democratic Party primaries, African Americans were 14 percent of the electorate. Subsequent to the 1992 election, African Americans in the U.S. House of Representatives also held a little over 14 percent of the seats occupied by Democrats.

Focusing on the party to which almost all African Americans belong, we see that their representation in the lower house of Congress precisely

mirrored their electoral strength. I do not have the 1994 figures, but with the drop in the total number of Democrats in Congress, African Americans inevitably became a proportionately larger presence.

If we turn to the states, African American success is less impressive but still notable. Nationwide in 1992, African Americans averaged 10 percent of the Democratic presence in the lower state legislative chambers and had 8.1 percent of the seats in the state senates. But these figures include, of course, a great many states in which African Americans are a tiny fraction of the population. In 1992, in the states with sizable African American populations, the percentage of black Democratic state legislators was in fact proportionate to the African American voting-age population.

What will happen in the wake of *Miller v. Johnson*, which held that race-driven districting is subject to strict judicial scrutiny and must meet the test of compelling state interest? No one can answer the question with total confidence. I have suggested that African American electoral victories do not depend on majority-black settings, but no one knows precisely how many African Americans would actually run for congressional and other seats in the absence of protective line-drawing. And no one can say who those candidates would be.

The latter is an important question. No candidates—whether white or African American—can win elections if their political views are at odds with the majority of voters in their district. U.S. Representative Ronald V. Dellums gets elected from a California constituency that includes Berkeley and like-minded suburbs, but few majority-white districts are as left-leaning as his. Particularly in the South, centrist and conservative candidates (whether white or black) are likely to do

It is not only in races for a mayor's seat that white voters choose African American candidates over those who are white.

better than those who are militantly liberal. J.C. Watts would not have been elected to the U.S. House from Oklahoma had he run as a liberal Democrat. Representative Cynthia McKinney, currently representing the successfully challenged Georgia district, is politically out of step with most of the State's white voters.

Voting rights today is truly at a crossroads. The legal standards are not clear. Are districting lines that are race conscious but not race driven constitutionally acceptable? Are racial set-asides, in the form of majority-minority legislative districts, really benign? Racial gerrymandering, like other racial classifications, Justice Sandra Day O'Connor said two years ago in *Shaw v. Reno*, "reinforce(s) the belief...that individuals should be judged by the color of their skin." It was a point that both Justice Clarence Thomas (in *Holder v. Hall*) and Justice Anthony M. Kennedy (in *Miller*) reiterated. "Our drive to segregate political districts by race," Thomas said in his 1994 concurrence, "can only serve to deepen racial divisions." The eradication of "invidious discrimination from the electoral process...is neither assured nor well served...by carving electorates into racial blocs," Kennedy concluded.

In other words, articulating views to which a majority of the High Court have subscribed, O'Connor, Thomas, and Kennedy have suggested that no one wins if racial lines harden—neither blacks nor whites. What is arguably good for African Americans over the short run (a guarantee of more African American officeholders) may not be of benefit over the long haul. Those who defend race-driven districting, arguing that past

sins justify race-conscious remedies, have gotten the basic point backwards: It is precisely the history of racism that makes those race-conscious policies so dangerous.

Clearly, questions involving minority voting rights are not simply about who ends up where in a districting map. They go to the very heart of how we see ourselves as a multiracial, multiethnic nation. At issue between

the opposing sides in these cases are quite different views of American society, the place of African Americans in it, its openness to change,

the nature of democratic representation, and the cost of race-conscious policies.

Two voting rights cases will be heard next year by the Supreme Court. If the Court gives a green light to race-conscious districting of a subtler sort than that in which Georgia was forced to engage, it will have signed on to a badly mistaken notion of American society—one that sees white racial attitudes as little changed since the 1960s; African Americans and Hispanics as politically excluded and thus in need of extraordinary protection from white competition. If embraced by the law, that view will perpetuate and encourage group-think. We are today a nation of individual citizens, not a confederation of racial and ethnic groups, and we need to stay that course.❖

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It is precisely the history of racism that makes those race-conscious policies so dangerous.

ADA: TAKING STOCK AND LOOKING TO FUTURE

By Jane West

Assessing the impact of the Americans with Disabilities Act¹ a mere five years after its enactment is a bit like trying to assess the impact of parenting on a 5-year-old. If something is terribly wrong, it is obvious. Otherwise, one is better off waiting another 20 years or so, and even then it will not be easy to ascribe cause and effect.

Since nothing is going terribly wrong with the ADA, my assessment is an exercise in observing changes in society over the past five years and seeking evidence about their relationship to the ADA, while recognizing that the jury will be out for years to come.² July 1995 marked the fifth anniversary of the signing into law of the legislation described as both "the emancipation proclamation for people with disabilities" and "a promise to be kept."

In its early years, the ADA has certainly not materialized the great fears of its detractors—excessive cost and excessive litigation. Neither has it yielded, however, what its advocates most hoped for—significant changes in the well-being of people with disabilities. The most notable impacts to date may be in the sense of empowerment felt by people with disabilities and the evolving changes in the way America does business—in stores, restaurants, movie theaters, places of employment, buses, and subways. People with disabilities have established themselves as a political constituency to be reckoned with, and American business has recognized them as a new market to be captured.

Employment Overview

The employment rate of people with disabilities has been persistently low in the past 20 years, and the ADA does not appear to have altered that course. Depending on the definition used of "work" and of "disability," between 55 percent and 77 percent of people with disabilities are not working. One analysis of census data indicates that of the 15.6 million people who have a work disability, 10.2 million, or 65.5 percent, are not in the labor force. That figure compares to 9.7 percent of working-age people without disabilities who are not in the labor force (LaPlante 1995).

In 1994 Lou Harris and Associates surveyed 1,000 Americans with disabilities and found that 68 percent of working age were not working, a 2 percent increase over 1986 (Lou Harris and Associates 1994). A 1995 analysis of census data (Gamboa 1995) found a slight decrease in the employment rate of people with disabilities from 1992 to 1993, while the employment rate for people without disabilities increased.

At the same time that their employment rate appears at best constant, people with disabilities have increasingly entered the Federal income maintenance rolls of Social Security—both the welfare program, Social Security Income (SSI), and the social insurance program, Social Security Disability Income (SSDI). Between 1984 and 1994 the number of beneficiaries who were working-age adults grew from 4.2 million to 6.2 million while expenditures rose from \$21.7 billion

to \$48.3 billion (Daniels 1995). Once on the rolls, less than one-half of 1 percent of beneficiaries leave to return to work.

Reasons for the growth in the rolls are multiple, including changing demographic trends, changing economic conditions, and changes in program rules and administration. For people with disabilities, access to public health insurance (Medicaid and Medicare) is often a motivator to come on the rolls and to stay there. The Social Security Administration projects that, if no changes are made to current programs, expenditures for this group will continue to grow dramatically and the number of beneficiaries could pass 10 million by 2005 (Daniels 1995).

At the intersection of this rising tide in disability income rolls and the persistently low employment level resides the Federal-state vocational rehabilitation program. Begun in 1920 to assist physically disabled veterans to return to work, this program now serves as the Nation's major "back-to-work" initiative for people with physical, mental, and sensory disabilities. With

Federal expenditures just under \$3 billion, the program is intended to provide rehabilitation services to those with the most severe disabilities. Each year the system serves about 1 million people and places about 200,000 into employment. Few of those served are people on the SSI/SSDI rolls. Waiting lists in States are commonplace. General employment and training programs run by the Department of Labor are also available to people with disabilities, but few appear to be served there (Barnow 1994).

And what about those with disabilities who are working? In general, they are underrepresented in managerial and professional jobs and overrepresented in lower-paying service and operator jobs. Their income is between 7 percent and 30 percent less than other workers. In 1987, the average annual wage was \$12,253 for people with disabilities and \$18,951 for people without disabilities (Braddock and Bachelder 1994).

When the economy takes a downturn, people with disabilities are more adversely affected than the general population. While the labor force participation of men decreased 3 percent between the early 1970s and the

mid-1980s, it decreased 15 percent for men with disabilities. The labor force participation rate of women with disabilities increased 30 percent during that period, but this was only 83 percent as fast as the growth among women without disabilities (Yelin 1989). People with disabilities frequently work part time and at low wage jobs and thus have limited access to benefits such as health insurance and retirement. Likewise, career advancement for people with disabilities is limited (Braddock and Bachelder 1994).



Communications specialist needs no job accommodations.

Holding the ADA responsible for the employment rate of Americans with disabilities, however, is a bit like holding Murphy Brown responsible for teenage pregnancy. The ADA protects only those who are qualified for jobs. The education and training level of people with disabilities is markedly less than that of people without disabilities, leaving those with disabilities less qualified for jobs than other Americans. It is unrealistic to expect the ADA to yield an increase in a qualified applicant pool, especially in five years.

Over time, with increased accessibility to education and training programs, the ADA may contribute to such an effect.

Lack of access to private health insurance because of the standard practices of pre-existing condition exclusions and underwriting keeps many people with disabilities from pursuing employment. The guarantee of health insurance while on disability benefit rolls is quite compelling in the face of such limited access to private health insurance. Lack of accessible transportation to and from work; lack of accessible housing; lack of access to assistive technology and personal assistance services; fear of a relapse or deterioration in functioning or health condition, and discrimination are other reasons that people with disabilities are unemployed. Even if the ADA were successful at 100 percent elimination of job discrimination, we would be unlikely to see a dramatic increase in the employment level of people with disabilities.

Persistence of Discrimination

Despite the enactment and enforcement of the ADA,

discrimination against people with disabilities persists. In the 1994 Harris Poll of people with disabilities, 30 percent of adults reported having encountered job discrimination due to their disability; a 5 percent increase since 1986. Types of job discrimination cited included refusal of a job (63 percent); refusal of interview (32 percent); less responsibility than co-workers (33 percent), and refusal of job promotion (29 percent). Thirty-three percent of individuals with disabilities responding to the survey who worked reported that they encountered unfavorable attitudes in the workplace, primarily from supervisors and co-workers.

Those who experience discrimination in the hiring process or the workplace may be unwilling to report it to the U.S. Equal Employment Opportunity Commission (EEOC), or give up in frustration dealing with the system. Even when the EEOC does undertake a complaint investigation, the average processing time is one year, and more than 80 percent of complaints are rejected for administrative reasons or with a finding that no discrimination occurred (EEOC 1995). The current backlog of all complaints, or "charges" as they are called by the EEOC, is 108,100.

Employment Discrimination Complaints

Between July 26, 1992 (the initial enforcement date for employment provisions) and March 31, 1995, the EEOC received 45,053 charges of employment discrimination under the ADA (EEOC 1995).

Much has been made in the press of the number of complaints from people with disabilities that are "not genuine" (Matthews 1995; Kaufman-Rosen 1994; Morgan 1995; Macias & Camia 1995). References to disabilities "not genuine" are to back impairments and emotional/psychiatric impairments, which together constitute more than 30 percent of the impairments cited by people filing charges. Critics argue that rather than helping those with "legitimate disabilities"—such as blindness (the impairment identified by 3 percent of people filing charges) and deafness (also 3 percent)—the statute invites people with questionable or minimal impairments to identify themselves as victims of discrimination and thus avoid personal responsibility. Furthermore, the critics argue, businesses frequently settle the questionable cases in order to avoid a legal battle or negative publicity that may ensue (Heller 1995).

Rarely acknowledged in those arguments is the fact that the vast majority of charges resolved by the EEOC

are dismissed because of administrative reasons or determinations of "no reason to believe discrimination occurred." Closure for administrative reasons includes a determination that the individual is not covered by the statute because he or she does not have a disability according to the law's definition. Of the 4,600 complaints that have been resolved which were filed by people citing back impairments, only 110 (.02 percent) have been resolved with a determination of "reasonable cause to believe that discrimination occurred" (Rennert 1995). It is reasonable to expect that over time, as those enforcing the law and those using the law to fight discrimination become more familiar with its application, the number of charges from those without significant disabilities will decline, much in the same manner that court rulings shape future claims.

A second point frequently made about these data is that only 10 percent of the charges are related to hiring. The rest come from people who are already working. Hence, the ADA may be most beneficial to those already in the workforce in terms of retaining their jobs, receiving accommodations, receiving promotions, gaining access to equitable benefits, and so forth (Lublin 1993).

Some Positive Indicators

Despite persistent unemployment and underemployment, many people with disabilities are benefiting

from the protection of the ADA. The EEOC has intervened to prevent people from being fired discriminatorily, for example in the case of *EEOC v.*

**Reasonable accommodations
in the workplace extend the working
lives of people with disabilities
and are rarely costly.**

AIC Security,³ where a company discharged a top executive while he was dying of cancer. The Department of Justice has intervened to challenge the practice of inquiries into past treatment for mental illness made by state Boards of Bar Examiners. There are multiple examples of people with disabilities who defy the statistical profile—people with significant disabilities who are highly educated, well-employed in career track positions, and earning substantial incomes.

The increasing availability of assistive technology enhances the employability of people with disabilities. Augmentative communication devices that enable an individual without speech to talk, computers that enable an individual without fine motor control to write, assistive listening devices that enable an individual who is hard of hearing to hear within the average

range, and telecommunications relay services that enable people who are deaf to talk on the phone—these expand employment opportunities for people with disabilities.

Reasonable accommodations in the workplace extend the working lives of people with disabilities and are rarely costly. The Job Accommodation Network, which provides technical assistance to employers who seek to develop accommodations for their employees, reports that most accommodations cost under \$500.

Employers have reported smooth implementation of the ADA, pointing to the delayed effective date as providing an important opportunity for employers to learn about the law and feel comfortable with their new obligations. They have stated that technical assistance provided by the Federal Government is clear, concise, and “user friendly” (Meisinger 1994). A 1987 Lou Harris survey of employers revealed that 88 percent of employers gave employees with disabilities a good or excellent rating on overall job performance. Nearly all were reported to be performing their jobs as well or better than other employees in similar jobs. Most managers reported that employees with disabilities worked as hard or harder than employees without disabilities and were as punctual and reliable.

While the education level of people with disabilities remains lower than that of people without disabilities, it is increasing markedly. In 1994, 12 percent of adults without disabilities had less than a high school education while 25 percent of adults with disabilities had less than a high school education. The gap between people with and without disabilities having less than a high school education decreased by almost half (from 25 percent to 13 percent) in eight years, according to the 1994 Lou Harris survey of people with disabilities. The Harris poll also found that in 1994, 44 percent of adults with disabilities had completed some college or received a college degree, compared to only 30 percent in 1986. Although these educational gains have not yet converted into employment gains, most likely because of access obstacles, an increasing education level is reason for optimism about future potential gains in employment.

Public Accommodations

Applying to 5 million places such as restaurants, shopping malls, dry cleaners, grocery stores, hotels, professional offices, and theaters, the public accommodations requirements of the ADA are having a broad impact on how America does business. Evaluations of the accessibility of public accommodations for people with disabilities have been uniformly favorable (Batavia in press, for 1996; GAO 1993; GAO 1994; UCPA 1993). Furthermore, awareness of the law's requirements and

barrier removal efforts appear to be increasing over time (GAO 1994).

Some businesses appear to be seeking out people with disabilities as a new market. Advertising for companies as diverse as Nike, Home Depot, McDonald's, Toys-R-Us, AT&T, and Nordstrom's has begun to include people with disabilities.

The number of complaints received by the Department of Justice under the public accommodations requirements is considerably fewer than for employment—a total of 2,722 by July 1994. The notable difference between those two sets of complaints is not certain. One could speculate, however, that if an individual encounters discrimination or inaccessibility at a particular business, that person might simply go elsewhere. In contrast, if one's job is on the line, or a promotion or a raise is, the individual is likely to have a higher stake in the outcome and may be motivated to file a complaint.

Seventy-five percent of people with disabilities interviewed in the 1994 Harris survey reported an improvement in access to public facilities such as restaurants, theaters, stores, and museums in the past four years. More than 50 percent of those responding believed media portrayals of people with disabilities and the inclusion of people with disabilities in advertising had improved in the past four years (Lou Harris 1994). People with disabilities, however, continued to note obstacles, such as new construction that did not comply with accessibility guidelines, refusal of establishments to allow the entry of service animals and guide dogs, and the cost of interpreter services for people who are deaf (PCEPD 1993).

Transportation

The transportation requirements of the ADA are slowly increasing the accessibility of the Nation's transportation infrastructure. Bus fleet accessibility has increased since the ADA's passage from 36 percent in 1989 to 50 percent in 1994, and rail station facility access has also increased. Private providers and over-the-road bus companies are gradually becoming aware of their responsibilities. Awareness of the ADA among public transit operators is high and most systems are actively involved in efforts to meet the law's requirements (Simon in press, for 1996).

Despite increased accessibility, use of fixed route bus service by people with disabilities continues to be minimal. Some people with disabilities appear to prefer paratransit (door to door or curb to curb public transportation, usually by small van) over fixed route service, while some encounter a lack of predictable and consis-

tent accessibility in fixed route services. Though intended to serve as a safety net for people whose disabilities prevent them from using accessible fixed route service, paratransit services are continuing to increase in response to increased demand. Ridership increased 13 percent from 1990 to 1992 with people having disabilities accounting for 54 percent of the ridership in 1990 and 58 percent in 1992 (Simon in press). Costs for full compliance with the paratransit requirement may be as high as \$1 billion annually.

Sixty percent of those responding to the 1994 Harris survey of people with disabilities believed that access to public transportation had improved in the past four years (Lou Harris 1994). People with disabilities, however, continued to cite transportation problems, such as poor access in rural areas and lack of compliance with ADA standards for paratransit. People with disabilities are concerned that the disabled as a group are not accepting their responsibility to make a transition from specialized paratransit systems to general mass transit (PCEPD 1993).



Advances in technology help raise horizons.

Looking to the Future

Over the past 40 years, Federal mandates and Federal funds have established a floor of opportunity for people with disabilities, a service system infrastructure, and a safety net for survival for those who are most vulnerable. With the ADA as a capstone, Federal policy has evolved away from a paternalistic approach to people with disabilities and toward an empowerment orientation. Despite the overarching Federal goals established by the ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency—most Federal funding continues to support programs that assume people with disabilities are incapable of working, thus creating significant disincentives to work. The key challenge for policy now is to bring the bulk of Federal spending—the \$120-plus billion in income support and health care—in line with the goals of the ADA.

The current reality is that too often, for people with disabilities, work is an irrational choice. They often cannot make enough money to purchase health insurance, even if available, and to cover unreimbursable disability-

related expenditures. The lack of a personal support infrastructure, whereby personal assistance services and assistive technology are accessible, is an additional obstacle. Frequently the only access to these necessities is through the circuitous route of becoming eligible for cash benefits, a process which requires an extensive effort to prove inability to work because of disability. The problem is that life on Federal benefits is usually a life of dire poverty with little chance of ever emerging into the workplace.

Current Federal policy for people with disabilities sends mixed messages about work. The Labor Department does not consider people with disabilities in its overall national employment policy. Data about the unemployment rate of people with disabilities are not collected by the unemployment compensation offices, apparently because people with disabilities are not considered as a group of potential workers. Federal employment policy should include people with disabilities.

The challenge in revising Federal policy, particularly in times of fiscal constraint and the current mood of a shrinking Federal role, is at least twofold: first, to respond in a comprehensive manner, and second, not to throw the baby out with the bathwater. Federal policy must support young people with disabilities to enter the workforce. Aggressive interventions must be available to keep people employed when they become disabled while on the job. For people with disabilities who are not currently working, initiatives must be developed to ensure that work pays. People with disabilities must have access to health insurance when they are working, perhaps through a permanent, and if necessary subsidized, "buy-in" to Medicaid and Medicare.

The ADA is slowly but surely doing its job. Although there are weaknesses in enforcement (West 1994), there are also notable positive impacts. The statute should be left in place while implementation continues to evoke a gradual evolution of accessibility and inclusion in the way America does business. The ADA is doing its part to keep the door of opportunity open in the workplace. The next task for Federal policy is to facilitate people in getting to the door, as qualified workers with the sup-

port and access that they need.❖

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Footnotes

¹ The ADA prohibits discrimination against people with disabilities in almost all areas of society—employment, public accommodations, state and local government, transportation and telecommunications. It is modeled after Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, sex, and national origin. Much of the legislative language in the statute was drawn from its predecessor legislation, Section 504 of the Rehabilitation Act, which prohibits discrimination when Federal funds are involved.

² Although the ADA has five major components—employment, public accommodations, transportation, state and local government services, and telecommunications—only the first three are considered in this article. Because state and local governments were responsible for compliance with Section 504 of the Rehabilitation Act since 1975, and the statute's requirements are so similar to those of the ADA, that portion of the law is not addressed. Because the telecommunications requirements of the ADA (requiring a telecommunications relay service in every state and across states so that persons who are deaf and hearing impaired may use the telephone) are relatively narrow and have been relatively easily met by the Nation, that portion of the law is not addressed.

³ EEOC v. AIC Security, 823 F. Supp. 571 (N.D. Ill., 1993).

INVISIBLE AND UNDERVALUED?

Exploring Workplace Diversity Issues—Listening to the Voices of Women of Color

By Leslie R. Wolfe

For the past 15 years, advocates for women's rights have faced an unremitting backlash against the gains of feminism. This assault is epitomized by the far right's social agenda, which has as its centerpiece the assault on feminism as destroyer of white male, patriarchal authority over the family and white male hegemony in the leadership of both workplace and society.

In our advocacy for an egalitarian future, feminists also have faced another, more subtle backlash—the “You’ve Come a Long Way Baby” backlash. Portrayed throughout the mass media and in policy debates, this backlash suggests that the 1990s are a post-feminist and post-civil rights era in which “equality” has been achieved for those women of all races and men of color who are “qualified” for it.

Indeed, in the policy arena, one of the legacies of these backlash years has been the subtle effort to denigrate feminist demands for institutional change and redefine them as individual women's problems—whether low self-esteem, foolish choices of mates, too-early child-bearing, inferior math skills, failure to balance work and family, or even poverty. Instead of racism and sexism, discrimination, bias, and stereotyping, women are alleged to suffer from personal inadequacies that prevent them from succeeding. Attempts to help women solve these problems, of course, will not end structures of dominance and transform our workplace cultures to value women and men of all racial and ethnic backgrounds.

A second legacy has been the persistent effort to focus attention only on women rising to the top—those relatively few, predominantly white, well-educated women who are coming close to cracking the glass ceil-

ing. Yet the majority of working women of all racial and ethnic backgrounds remain in pink and blue collar jobs and many are the working poor, one rung above the tattered safety net. Even among those who are in executive, manager, and administrator positions, the representation of women of all racial and ethnic groups in virtually all industries is lower than that of the men of the same racial and ethnic background; still, white men predominate in all industries (Glass Ceiling Commission 1995).

But in almost every policy debate—whether about the glass ceiling, work and family policies, affirmative action, or workplace diversity—the data and the discourse divide us into “minorities” and “women” and thereby render women of color invisible and their voices silenced. But women of color have been the backbone of many workplaces—as paid or unpaid workers—for the entire life of this country. Not only do they have a great deal to say about how race-plus-sex bias operates in the workplace, but they also offer creative solutions to these workplace dilemmas.

Nonetheless, policy options and employer programs have rarely been informed by accurate information about the lives and self-defined needs of diverse groups of women of color—as workers, parents, and caregivers of elderly parents and other family members. Instead, policymakers and employers have relied on statistical data about labor force participation rates of Latina and African American women along with anecdotal data from the popular press; the few studies of different groups of women of color that do exist rarely inform these deliberations (see Bell 1990; Chow 1994; Dill 1994; Escutia and Prieta 1988; Green 1992; Higginbotham 1984; Lee 1990; Malson and Woody 1985; Medicine 1990; Simms and Malveaux 1986; U.S.

Commission on Civil Rights 1990; Witt 1979).

The failure of policymakers and employers to obtain relevant, accurate information is particularly serious as policies are being developed for a future workplace that will rely even more heavily on women of color. And yet, women of color remain a demographically significant group that is poorly understood.

When they are not rendered invisible in policy debates and decisions, the needs of women of color are defined by stereotypes. Thus, when the public discourse considers work and family issues, the worker whose needs are to be addressed is generally seen as a middle-income, married mother, usually Anglo. For women of color, policy debates most often center around urban poverty, teen pregnancy, and welfare reform. Indeed, women of color are assumed to be the sole heads of disintegrating families, perpetuating an underclass existence through multiple generations.

In addition to being inaccurate, this approach perpetuates two stereotypes: that a woman raising her children alone constitutes, by definition, an inherently pathological, dysfunctional family; and that all women of color fit these categories. Those women of color who do *not* fit are virtually invisible, assumed to have the same interests and needs as white middle- and upper-income women or defined as anomalies among women of color.

A History of Hard Work

The multiple perspectives of women of color reflect their diverse origins and their common bonds; their work lives have been shaped in large part by the legacies of slavery and immigration, of exclusion and discrimination (see Hernandez 1993). The history of women of color in the United States is a history of hard work to maintain families and communities.¹ But policy debates still overlook the complexity of women's heritages and current realities, assuming instead that policies to serve some working women will suffice for all.

The field of work and family policy flourished in the 1980s as advocates, employers, and policymakers focused on how employee benefits and public policy could best be formulated to help employees remain productive while juggling the competing needs of full-time employment and caring for children, aging parents, or other relatives. With more women in the paid work force than ever before, and with the gradual acceptance of the fact that this trend is permanent, the need to provide child care for working parents received renewed attention, while model family leave policies and employ-

er flexibility in work schedules and assignments were developed. These efforts still are in their infancy, however, as many work and family policies are still insufficient to address the needs of working women. This is true even at the mid-level, where jobs may not offer the flexibility, career ladders, sound health benefits, or even sufficient annual and sick leave benefits required to utilize family friendly programs.

At the same time, concern for the "new demographics" and the ethnically diverse work force of the future began to capture corporate attention. But rarely were "work and family" and "diversity" concerns addressed as parts of a unified effort to make real institutional change—to transform the corporate culture. In fact, these efforts originate either in an employer's work and family division or in its workplace diversity division. But very rarely are "work and family" and "workplace diversity" issues viewed by employers or policymakers as being connected. In contrast, the research dealing with women of color conducted by the Center for Women Policy Studies suggests that the two are inextricably linked (Tucker and Wolfe 1994).

What Focus Groups Had to Say

To bring the voices of middle-income working women of color into decision-making and to remedy both their invisibility and stereotyping, the Center for Women Policy Studies conducted a series of focus groups with African American, Latina, Native American, and Asian American women to learn how they define and experience work and family issues.

The focus group participants ranged in age from 25 to 50; many were married while others were single or divorced, and each woman had at least one child under the age of 12. Their personal annual incomes were between \$20,000 and \$35,000 and they were employed in a variety of fields, including retail, state and local government, finance, medical education, marketing, and not-for-profit organizations. The focus groups consisted of women in a variety of occupations, including teachers, a clerk supervisor, a laboratory technician, a university fundraiser, a senior case processor, a children's clothes designer, an insurance claims analyst, a PBX operator, an office manager, a medical assistant, a day care manager, a sales manager, a sales auditor, and an accountant.

As expected, women of color expressed powerful concerns about a range of traditional work and family issues: the availability of decent child care, the importance of flexible work schedules and of employers' commitment to understanding and addressing employees' family needs, and the stresses of "balancing" at least two

¹ See Tucker and Wolfe (1994) for an analysis of workforce participation and traditions of balancing work, family, and community by African American, Asian American, Native American, and Latina women (p.4)

full-time jobs, one at home and one at work. But they also answered an unasked question.

Although the study did not specifically address issues about the workplace culture, women in the focus groups almost universally defined an "ideal" workplace as being respectful of *all* workers; but most of the women did not work in such places. Without the employer's commitment to valuing and respecting diversity (as opposed to simply "managing" a multi-ethnic workplace), women of color did not believe that policies for balancing work and family life were workable. Indeed, most of the women defined their own employers as "insensitive" to women of color and unable to value their contributions to the organization because of both subtle and overt bias.

This theme of "insensitive corporate culture" usually surfaced when women were asked how their employers might react if they needed to be absent with a sick child or parent. As Sharon, a mother of two daughters in Los Angeles, observed: "There's nothing you can do about that (when the child is sick). And I would call in, to give them enough time, to let them know. And at the time, I worked a CRT (word-processing) terminal so there were other people in my group who could do it. Oh, but they just didn't like that at all. (They would say) *if you can't act any better than this, Sharon, we'll just have to write you up. Or, you'll have to go to another department.* It was ridiculous. (And) I was being mentally harassed and sexually harassed by a white male boss."

A Different 'Burnout' Found

Many women described their own "burnout avoidance strategies" to opt out of workplaces with traditional corporate cultures; but theirs was not the kind of "burnout" often experienced by high-level managers. Rather, it was engendered by a hostile workplace environment; in response, they simply quit their jobs to go to work in safer, more comfortable environments. Some women started their own small businesses, others returned to school, and a substantial number went to work in non-profit, community-based, or national advocacy organizations.

As one mother of two said: "I gave up the job. I was going to a shrink because of it, trying to deal with this.... But I had to come to the realization that it wasn't worth it.... It was very stressful because I was ready to leave (my husband) because he couldn't handle (my job). At least that's what I thought." And another participant noted the importance of a respectful workplace culture: "I think I'm really fortunate to be working at an Indian organization because everybody knows what it is to be with your family and those kinds of things are real spe-

cial and it's easier for them to understand."

This information is especially important for employers, since losing capable and experienced workers can be an expensive proposition. Not only does it cost the company substantial sums of money to recruit and train new employees, but it costs an even greater amount in lost productivity. In fact, Aetna Life and Casualty estimates the cost to be 93 percent of the employee's first year salary (Sandroff 1989). Clearly, investing in the retention of productive employees makes good business sense.

Over the past 30 years, affirmative action programs have helped companies identify and recruit both women and men of color into their ranks. These programs, however, have often been short sighted and have made little or no attempt to create a workplace culture where "we" is everyone (Thomas 1990). Too often, women of color still run a daily gauntlet of racist and sexist jokes, managers who firmly believe that women—certainly women of color—do not make good managers, and supervisors who have little tolerance for the needs of a caregiver parent of a chronically ill child.

Unacceptable Believed Acceptable

Many women of color have a co-worker like the one described in Glamour magazine: "One of my co-workers began talking about the situation in 'Niggeragua' with a goofy grin on his face. It wasn't until two days later that I worked up the nerve to speak my mind. Nearly in tears, I told the man how much his words had hurt and offended me. He replied, 'Well, I never thought of you that way. I didn't mean anything by it—I was only joking.' Then he laughed. What he believed was acceptable and what I found acceptable were radically different" (Southgate 1992). Situations such as that one occur in workplaces across America on a daily basis; but many women of color remain silent rather than confront further ridicule and retaliation.

For women of color, the workplace culture must be sensitive to the intersection of race and gender; the experiences of women of color in the workplace are often very different from those of men of color and white women, even when it appears that the same set of circumstances exist. Unfortunately, this reality is invisible to most employers.

But the Resource Group at US West apparently did understand. In the mid-1980s, concerned about employee opportunities for upward mobility, the Resource Group found that one out of every 21 white men had the opportunity to reach mid-level management, compared to one out of 42 men of color, one out of 136 white women, and one out of 289 women of color (Feldman 1989; Cox-

Burton 1988). In response, US West established a Women of Color Leadership Development Program, one of very few programs to recognize that the needs and circumstances of women of color are different from men of color and white women. The program's success, however, apparently led to its demise as a women of color-focused effort; it now is open to *all* employees.

The notion of changing the workplace to promote worker productivity is not a new one, and most employers are open to change when it can be shown to improve the bottom line. In fact, as America's corporate community has looked for ways to heighten workers' productivity in the increasingly competitive global economic environment, efforts have been made to transform workplace cultures through "flatter" and leaner management, worker participation in decision-making, and new efforts to "manage" diversity and create family-friendly policies. Yet the issues central to *valuing* diversity in the workplace, confronting racism and sexism, have not shaped changes in corporate cultures. Nor have they been considered relevant to the "balancing" of work and family. But it is good business to make these links.

The women of color in the Center's focus groups raised issues of subtle racism and sexism in the workplace as part of their discussion of work and family issues. But, while racism and sexism have been addressed as issues of "diversity" and "affirmative action" in the workplace, they rarely if ever have been considered in the context of "balancing work and family." For these women and others like them, however, the links are clear.

Although negative workplace conditions—such as restriction of opportunity to exercise self-direction, work overload, poor quality of interpersonal relations on the job, low opportunity for cooperative problem-solving, job insecurities, pay inequities, job loss and low earnings, and sexual harassment—are recognized as creating stress in workers' lives, the need for more study of "socially structured experiences" in the workplace and their impact on the worker's family life remains acute (Menaghan 1991). The examples of subtle racism and sexism in the workplace that the women in the focus groups described are the "socially structured experiences" at work that follow women home and affect their ability to function in both spheres. Any efforts to restructure workplaces for increased productivity and competitiveness must first address these issues. Women of color, the invisible and undervalued workers in far too many places, can contribute to this re-visioning of work, family, and diversity to the benefit of both their

employers and their colleagues.❖

Dr. Leslie R. Wolfe is president of the Center for Women Policy Studies, a Washington-based feminist policy research and advocacy institution founded in 1972. In reporting in this article the preliminary findings of a Center study, Wolfe expressed an indebtedness to the director of that study, Center Vice President Jennifer Tucker, for her wise counsel.

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DO FOUNDATIONS HELP ENOUGH?

By Robert O. Bothwell and Sarah Priestman

Just about halfway between the beginning of the modern civil rights movement and today, David R. Hunter, then executive director of the Stern Fund and the Ottinger Foundation, gave a searing keynote address at the 1975 annual meeting of the Council on Foundations.

"We look back now in amazement at how many years this country tolerated the...denial of constitutional rights.... Can anyone point with pride to the timeliness and leadership of the role the great majority of foundations played in exposing the situation?" he said to the gathered foundation leaders. "A (very) few foundations concerned themselves.... Where minority people have organized to move closer to equality they have had precious little foundation help.... Not until the victims of discrimination themselves raised their own voices did things really begin to happen."

Has the role of foundations improved since that speech in 1975? Yes, and no.

According to a current study of foundation funding conducted by sociologist J. Craig Jenkins which defined "social movement" as "a collective attempt to organize or represent the interests of a previously unorganized or excluded group," foundations contributed 0.6 percent of all grant funds to social movements in 1970, up from 0.03 percent in 1960, and the percentage rose to 1.2 by 1990. The change may also be stated in the number of foundations contributing and amounts contributed. In 1970, \$11 million from 78 foundations went to social movements, up from \$260,000 contributed by 12 foundations in 1960. By 1990, \$88 million from 146 foundations went to social movements. Nevertheless, in 1990 the \$88 million was only 1.2 percent of \$7.2 billion in total foundation grants.

One must also consider that "social movement," with reference to foundation grants, essentially meant civil rights activism in 1960 but by 1990 the phrase encompassed much more, such as prisoners' rights, gay and lesbian rights, environmentalism, consumer rights, and international human rights.

We can focus on foundation funding of civil rights, efforts against discrimination. In 1960, \$200,000 went to African Americans, Mexican Americans, and Native Americans. Other racial and ethnic minorities were later included, and that funding grew to \$18 million by 1990. Funding for women's rights went from \$37,000 in 1970 to \$11 million by 1990. Foundation dollars for disabled rights lagged way behind, reaching only \$238,000 by 1990. All told in 1990, according to Jenkins, foundation funding for the civil rights of racial and ethnic groups, women, and the disabled was roughly \$29 million—a third of all foundations' social movement grant dollars, but only 0.4 percent of all foundation grants.

Today, the Nation is experiencing a widening gap between rich and poor. Current census data show the top fifth of American households earn 48.2 percent of the Nation's income—an increase of 4 percent from 1988—and the bottom fifth, where many minorities are, earn 3.6 percent—a decrease of about 1.5 percent from 1988. Add to that income loss the challenges to affirmative action being made in the Nation's capital and in California, and one must conclude that minorities and civil rights are up against the wall.

Although foundations have been somewhat helpful in supporting the civil rights movement, Emmett Carson, chairperson of the Association of Black Foundation

Executives, cautions about the future. "Foundations cannot move slower or faster than the society at large," he said. "We give foundations more power than they have. Right now, this country is questioning civil rights. Foundations will grope with this question just as others are. Foundations do take a stand on their beliefs, but the notion (that) they will necessarily be more progressive and more thought provoking just isn't true."

Foundations have assisted minority groups and women beyond civil rights funding, in summary:

Women's Groups: Universal Dollars vs. Targeted Funds

The share of foundation dollars to women and girls in 1992 was three times higher than it had been in 1980. That sounds encouraging, but the giving still may not reflect the reality of life and work. Though there has been progress over the years, only 5.3 percent of total foundation funding was targeted for women and girls for all kinds of activities in 1992—up just 0.2 percent from 1989.¹

"Worlds Apart: Missed Opportunities to Help Women and Girls," a 1993 Greater Boston study of corporate and foundation giving to female programs, reported that funders believe a gender focus is not important because women and girls are adequately served by universal programs.

The belief that women and girls are served by universal programs is only partly true. As the "Worlds Apart" study contends, women and girls are more represented than men and boys in most of the needy populations. Females made up 55 percent of the population in Greater Boston, but 76 percent of the poor adults in families. The National Council for Research on Women (NCRW) reports that more than half of all poor families are supported by single women.

"There is a great deal of care on the part of foundations to fund equitably," commented Mary Ellen Capek, executive director of NCRW. "But funding mirrors the society we live in. There is an institutionalized bias, like carbon monoxide, that most of us can't smell."

According to NCRW, though society's most chronic problems fall hardest on women, programs targeting women are dismissed as exclusionary or self serving. So needs arising from domestic violence, teen pregnancy, and child care remain invisible to most traditional funders.

African Americans: Grassroots Funding Lags

Organizations targeting African Americans received over \$180 million in foundation grants in 1992, including

seven grants of \$2.5 million or more to such prominent national organizations as The United Negro College Fund. That total represented 3.4 percent of all foundation grants, up from 2.4 percent in 1990.

Foundation funding at the grassroots level, according to a study conducted by the Joint Center for Political and Economic Studies, may be more a problem. In an effort better to understand organizations serving young black men, the study surveyed 175 such community-based programs with a median annual budget of \$136,000, according to Katherine McFate, a researcher at the center. Private funding provided 52 percent of the organizations' budgets. Of that, a seventh, or about \$10,000 for the median budget, was from private foundations.

When asked about the funding environment, directors expressed discouragement, reporting that contacts in the funding community were of more value than successful programs. Many suggested that associating with an established African American organization was critical if they and their requests were to be taken seriously. They reported frustration in attempts to initiate programs aimed at preventing problems, characterizing funders as more responsive to remedial projects. They voiced concern about how the priorities of foundations sway the original missions of organizations. Many suggested that a lack of minority staff within foundations contributed to a lack of understanding of community needs.

"It is imperative that foundations give strong consideration to new organizations, to people who have been outside of foundation thinking," said the Rev. C.T. Vivian, chairman of the Black Action Strategies and Information Center and the Center for Democratic Renewal, both headquartered in Atlanta. "Because of visionary people in philanthropy, the civil rights movement under Martin Luther King was able to move in ways it may not have been able to move. Today, foundations must take even more risks. We never know where our leadership will come from. Funding smaller organizations may mean supporting new leadership."

People with Disabilities: Money for Education and Training, Not for Civil Rights

Marty Walsh, director of Disability 2000/the CEO Council for the National Organization on Disability, a private educational program in Washington, DC, reported: "Only a handful of foundations have funding for disabilities written into their mission statements—and it is usually under 'handicapped.' But more foundations are looking at disabilities than ever before." Walsh attributed increased interest to the passage of the American with Disabilities Act in 1990 and the resulting greater visibility of individuals with disabilities.

¹ Unless noted, the percentage of grant dollars cited is drawn from the 1994 edition of "Foundation Giving," published by the Foundation Center in New York.

In 1980, funding for the disabled was less than 2 percent of all foundation grants. By 1992 it was 3.8 percent, or more than \$200 million. But that was for all kinds of activities of the disabled, especially education and training, not civil rights alone, which, according to Jenkins' study, received only \$238,000 in 1990.

Kitty Cone, development director of the Disability Rights Education and Defense Fund, reported concern about raising money from foundations. "The same large foundations that fund civil rights legal defense for ethnic minorities do not fund for the legal defense of the disabled," she explained. "At the same time, the many foundations supporting education and health for people with disabilities tend not to fund for legal defense. And those that fund youth and education on behalf of minorities do not fund the disabled as a minority."

Asian /Pacific Americans: Invisible and in Need

Foundation grants for Asian/Pacific Americans hovered at 0.2 percent from 1983 to 1992, with \$9.4 million given in 1992, although the number of Asian/Pacific Americans expanded by a huge 95 percent over the past decade, according to the study "Invisible and in Need."

The study, published by Asian Americans and Pacific Islanders in Philanthropy (AAPIP), suggested that the "model minority" stereotype of Asians hides serious problems from funders. "Foundations must abandon the convenient myth that Asian Pacific Islanders are all successful and well-educated entrepreneurs and academics who don't have any problems," said AAPIP board member Tani Takagi.

The bulk of funding was given by five foundations: Ford, San Francisco, James Irvine, Henry Luce, and McKnight. Twenty percent of the grants were targeted for social service organizations, 18 percent for health organizations, and 13 percent for employment and economic development organizations. Few were for legal rights, community development, advocacy, or public policy analysis.

To narrow the gap in funding between Asian/Pacific Americans and other minorities, foundations should provide resources for community empowerment and programs to overcome cultural and language barriers and fund technical assistance for, and research by, community-based programs, according to the AAPIP.

Hispanics: Seven Funders Provide Most Grants

Large foundations associated with funding African American issues also assist Hispanic programs, but not as much. In comparison to 3.4 percent for African American funding in 1992, foundations granted only 1.4 percent, or more than \$75 million, for Hispanic causes, despite a sig-

nificant growth of the Hispanic population over the past decade.

Between 1976 and 1991, only seven funders accounted for 75 percent of the grants to Hispanic nonprofit groups, half of all the money coming from the Ford Foundation. Siobhan Nicolau, president of the Hispanic Policy Development Project in New York, suggested that foundations have been "slow to discover the Hispanic community because they considered civil rights in black and white terms. They need to broaden their base of groups they consider to be excluded from society."

Angelo Falcon, founder and president of the Institute for Puerto Rican Policy and a trustee of the New York Foundation, added another perspective: "Whatever gains have been made in civil rights have been made by people who are affected themselves. The foundations' role has got to be to build the capacity for the disenfranchised to advocate for themselves."

American Indians: Less Than Half to Native Groups

A study by Native Americans in Philanthropy (NAP) revealed that less than 0.2 percent of foundation grant dollars from 1984 to 1989 went to Native American causes. The report recommended that giving be raised to 1 percent. As of 1992, Native American funding had grown to 0.8 percent, or more than \$40 million.

Rolyn La Pierre, a researcher for NAP, reported that only 47 percent of such grants go to Native American groups. "The other 53 percent is headed for universities and museums with programs related to Native American issues," La Pierre said. "Some funding is for scholarship money at large schools, which is great, but at the same time, the tribal colleges remain underfunded."

Cris Stainbrook, a senior program officer at the Northwest Area Foundation, described another split concerning foundation giving to Native Americans. "On one side, American Indians feel that foundations should get to know as many tribes as possible and fund only tribes or local groups," he wrote in *Foundation News*. "American Indians on the other side feel that foundations should fund national groups which then channel money to individual tribes or organizations."

According to La Pierre, more funding goes to national programs than to urban projects, and reservation-based projects receive the least. Funds come from a small pool of foundations, mainly in Minnesota.

Changing From the Inside Out?

It has been suggested that a way to expand foundation grants for minorities would be through minority representation on foundation staffs and boards. In 1973 the

Council on Foundations predicted in a policy statement, "Diversified boards and staffs will insure the sensitivity of foundations to the needs of segments of the society who have often been denied adequate voice and representation."

Twenty-one years later in the article "Diversity and Equity Among Foundation Grantmakers" in *Nonprofit Management and Leadership* magazine, Emmett D. Carson wrote, "Underrepresentation does not necessarily demonstrate that something is amiss, nor does the existence of proportional representation suggest a ceiling on further advancement by a particular group."

Drawing from a 1991 Council on Foundations' management survey, Carson discovered that foundation staffing was roughly proportional to the representation of racial and ethnic groups in the census: 78 percent of program staffers were white, 14 percent African American, 5 percent Hispanic, and 2 percent Asian. Women were 66 percent of program staff.

If representation translates into funding, that could have qualified as headline news for minorities. Looking closer, however, Carson discovered that many positions held by minorities were not the most influential. In the surveyed foundations, Asians, Native Americans, and Hispanics were underrepresented as program directors and senior program officers, though African Americans did hold 12 percent of those positions, equivalent to their 1991 representation in the U.S. population.

Does representation influence funding? Drawing from a 1991 survey of members of the Association of Black Foundation Executives, Carson reported that 52 percent of the respondents directed half or more of their programming "to black causes or organizations."

According to a Women and Foundations/Corporate Philanthropy study entitled "Getting It Done: From Commitment to Action on Funding for Women and Girls," women constituted 23 percent of board members at the top 75 foundations in 1991. A quarter of those foundations, however, had no female trustees. Fourteen percent of the board members were people of color, while 5 percent were women of color.

The organization, now renamed Women and Philanthropy, concluded, "Even given women's low levels of representation on boards, studies exploring the relationship between women's presence and their impact have shown that they do make a difference."

The impact of minority participation on foundation staff and boards needs further study, but some people do have a sense of progress. Donna Chavis, executive director of Native Americans in Philanthropy, said, "This is an

aspect of capacity-building. Groups that have been marginalized over time now see themselves reflected in decision making. They see themselves at the table, bringing a voice that will be heard internally, where the change occurs."

Conclusion

Foundations have been integral to helping remove the barriers of discrimination in the struggle for civil rights. But only 146 of more than 30,000 grant-making foundations were identified as social movement funders in 1990. Only \$29 million, or 0.4 percent of all foundation grants, were focused on the rights of racial and ethnic minorities, women, and the disabled that year. Thus, efforts to increase grants for civil rights activism should be a top priority of activists given the political climate today.

Foundations also should reshape their thinking about what else needs to be funded. For females, grants must be made over and above universal programs to reach the full numbers of women and girls in need. In African American communities, foundations should provide more support to grassroots organizations, especially as the national economic gap widens. Civil rights activism for people with disabilities urgently needs foundation assistance. To serve Hispanics and Asian Americans better, foundations should broaden their views of populations in need, for example, to encompass immigrants and their special problems. Grants to Native American-controlled programs should receive higher priority.

We also need more research to supply answers for questions that remain, such as the kinds of civil rights activities that are supported and those that are not, the kinds of organizations that receive the most money and those that get the least.

Anthony Romero, an officer in the Rights and Social Justice Program at the Ford Foundation, looks at the future. "Within the next two decades there will be an enormous transfer of wealth, which means a growth in private foundations," he said. "Those of us committed to civil rights must ensure that new grantmakers understand the issues and importance of civil rights so that these issues will be reflected in their programs."❖

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Humanizing 'the Model Minority'

By William Wong

It was, in the context of a commercial television drama, a tour de force. The veteran Asian American actress Rosalind Chao was, at once, charming, coquettish, coy, vixenish. Portraying an ambitious TV journalist, Chao was the central character in an episode earlier this year of "Under Suspicion," a CBS series featuring a white woman detective in an otherwise all-male squad.

The Chao character embraced several stereotypes, not all necessarily negative. One was the Connie Chung Syndrome, i.e., an Asian American woman TV journalist. Another was a chameleon. A third was female predator, first sweet and alluring, then an amoral aggressor out to get the story at all costs.

This was a remarkable role because U.S. commercial TV entertainment rarely, if ever, features an Asian American actor in a (presumably) ethnic neutral situation. Chao knows the territory: She was a recurring character on the syndicated TV series "Star Trek: The Next Generation."

Click over to NBC's megahit drama "ER," and observe Ming-Na Wen, who was added to the fictional Chicago hospital's emergency-room staff. At first, this series had no visible Asian presence, despite the fact that Asians work at all levels in many American hospitals. But whoever said TV had verisimilitude? Although she left at the end of the past season, her

presence was another little breakthrough for Asian American actors in mainstream roles.

It's been a long time coming and the trend is hardly a floodtide. The actor Russell Wong stars in a syndicated series, "Vanishing Son," a hip-



Cast of 'All American Girl'

per version of the silly "Kung Fu" series. At least Wong is part Asian, more than "Kung Fu" star David Carradine can claim. Aside from the fantastic heroics demanded by such a show, there are moments of genuine Asian American angst on "Vanishing Son," also a rarity in the American mass media.

Jason Scott Lee is making a mark as a romantic lead in feature films, giving rise to the almost unheard of

media idea that Asian American men can be rounded human beings, not just gangsters or fortune-cookie wisdom spouting cardboard figures. Occasionally, Joan Chen and John Lone show up in supporting roles that don't require them to assume ornamental-Oriental characterizations.

Then there's Margaret Cho, the comedian who starred in the ABC series "All American Girl." The show broke ground with a largely Asian American cast, but its sensibilities were hardly Asian, despite its family theme. Asian Americans both applauded the show for its Asian American cast and criticized it for perpetuating stereotypes. The show was canceled at the end of the season.

These examples suggest incremental progress for Asian Americans in show business and the mass media. By and large, they are an improvement over the Fu Manchu-Charlie Chan portrayals of the past, cartoonish at best, racist at worst. Otherwise, Asian Americans were practically invisible, or they were like background music, one-dimensional bit players without depth and humanity.

The excuse then was that America had only a few Asian Americans. While the population percentage currently is relatively small (3 percent of the U.S. population in 1990), the growth trend is extraordinary, doubling in the 1980s and projected to be

close to that this decade. Accordingly, mass media moguls see growing markets and audiences, if not nationwide then certainly in key states and cities.

The idea shouldn't simply be to exploit new markets, but to afford equal opportunities to aspiring entertainers who happen to be Asian Americans and to reflect a range of characterizations and perspectives within the framework of entertainment. This result would humanize Asian Americans in a society that has dehumanized them in the past and could also help reduce prejudices against them.

The little progress Hollywood has made should advance even more, as greater numbers of Asian Americans work in the mass media industries in all capacities. This optimism assumes they don't all merely want to acquire power without influencing the content of films and TV, which are after all powerful cultural and educational tools.

In another mass media arena, TV journalism, the equitable participation of Asian Americans has been mixed. Recall the Connie Chung Syndrome. The now-former co-anchor of CBS Evening News has been a TV fixture for many years. Her stardom has inspired countless Asian American women to go into TV jour-

nalism. Many now populate large- and small-market stations around the country. (That's the Connie Chung Syndrome.) Curiously, the Asian American male presence in TV news is much less conspicuous.

A steady on-air presence doesn't



Connie Chung

guarantee better coverage. Chung found that out last year when she reported a story speculating on spies among the thousands of Chinese students and scholars in the United States. Segments of the Chinese American population were incensed and demanded an apology, which Chung read on the air months later.

Print journalism's coverage of Asian Americans, once either nonexistent or markedly biased, has improved in recent years. That's attributable in part to a greater number of Asian American reporters and editors. (In general, however, mainstream daily newspapers can't boast about equitable newsroom integration, for only 10 percent of all newspaper editors, reporters, and photographers are African American, Latino, Asian American, or Native American.)

More varied, attentive print coverage is offset by continuing examples of insensitive word usage and portrayals. "Asian invasion," for instance, seems to be a favorite journalism phrase, even when that metaphor is inappropriate, as when a journalist is describing the increasing American market acceptance of Asian films. Clearly, there are lessons still to be learned by mass and news media practitioners about the growing and diverse presence of Asian Americans.

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GETTING IT RIGHT

What Went Wrong? The Creation and Collapse of the Black-Jewish Alliance

By Murray Friedman with Peter Binzen. (*The Free Press*, 1995. 423 pp. \$24.95.)

Jews and Blacks: Let the Healing Begin

By Michael Lerner and Cornel West (*G.P. Putnam's Sons*, 1995. 276 pp. \$24.95.)

By William Scott Green

From the standpoint of the history of civil rights in the United States, the apparent breakdown of black-Jewish relations surely ranks at the top of the list of disappointments. In an introduction to his extended conversation with Michael Lerner, Cornel West calls blacks and Jews in the United States "the most unique and fascinating people in modern times" and points to their shared "dominant status of degraded Others," of "pariah" and "chosen" peoples. A conventional wisdom suggests that because these two groups have a common experience of prejudice and disenfranchisement in American society, they, of all minorities, should engage one another's interest and foster a common vision for America's political and economic future. The collaboration of Jews and African Americans, after all, created the movement that generated the concrete gains in civil rights in the '60s. On this view, Jews and

African Americans seem like natural allies, and the increasing estrangement of the two communities from one another, particularly in the past several years, approaches the status of tragedy.

The two books under review here offer useful correctives to the conventional wisdom by displaying the erroneous conceptions and occasional stereotypes that undergird it. In different ways, they expose the error of assuming that the terms "blacks" and "Jews" denote monolithic communities with uniform histories and ideologies. Rather, each book reveals the complexities—historical, political,

Jews for much of this century." A recurring concern of the book is to blunt the claim of some "revisionist" scholarship that Jewish involvement in the civil rights movement was tainted by impure motives, that Jews acted out of "self-interest" rather than an altruistic concern for political and social justice. His effort has the support of Cornel West, who argues against the "cynical" charge of self-interest that "(t)he struggle for Jewish self-understanding did result in a profound empathy with the American underdog in this particular moment in American history." Through the book, Friedman deals forthrightly

**Friedman argues that Jews
became involved in the civil rights movement
because of their altruistic concern
for political and social justice,
not out of "self-interest."**

sociological, psychological, and religious—that have shaped black-Jewish relations in the past and necessarily will do so in the future. The two books are part of a rapidly growing literature on Jewish-black relations that is establishing new foundations for the historical study of American relations and future directions of relations between the two communities.

In "What Went Wrong?" Murray Friedman wants to show "that there was a black-Jewish partnership, albeit one sometimes marked by conflict and suspicion, that engaged the emotions and efforts of many blacks and

with the question of motives, which are hard to discern in the clearest of cases, but he wonders whether even mixed motives diminish the practical consequences of the actions of Jews in the advancement of civil rights.

In 16 chapters, plus an introduction and epilogue, Friedman achieves his goal. His book provides a fairly straightforward, if unanalytical, narrative of black-Jewish relations in the United States from the colonial period through the present. Friedman offers no systemic analysis or overarching thesis to account for the course of Jewish-black relations in American

history. His narrative focuses heavily on people's behavior, and, to his credit, he offers no special pleading for the motives of Jews who became actively involved in civil rights. The result is a solid, accessible, unpolemical, and reasonably balanced historical description of black-Jewish relations in the United States, a description that shows there were nearly always Jews actively engaged in the struggle for equality for African Americans.

Friedman strives for balance, and he is careful not to overstate his claim about a black-Jewish partnership. Rather, his story demonstrates that relationships between African Americans and Jews have been consistently marked by partiality, uncertainty, and ambivalence, and the two communities have rarely spoken with a single voice, much less a united one. Indeed, it could be argued that the triumphant black-Jewish alliance of the '60s—in which the two groups joined in common moral and political purpose and changed the course of civil rights in America—represents a distinctive point of convergence between them. Perhaps the proper question is not "What Went Wrong?" but "What Went Right?" A realist sobered by the black-Jewish quarrels of the past several years, Friedman has no magical solution to the problem of contemporary black-Jewish relations. He summarizes succinctly:

Some blacks blame Jews for the failings of a society that is oppressing them. Jews who believe they have done their part to achieve

racial justice react with a special bitterness. Given this rancor and distrust, it may not be possible to normalize relations between blacks and Jews anytime soon. Yet out of the turmoil and pain of the last thirty years, perhaps a new realism—a sense of what can and cannot be accomplished in this increasingly diverse and economically challenged society—may yet emerge.

The conversation between Cornel West and Michael Lerner, "Jews and Blacks," picks up where Friedman ends. The aim of this unique

A realist sobered by the black-Jewish quarrels of the past several years, Friedman has no magical solution to the problem of contemporary black-Jewish relations.

exchange between two prominent intellectuals, one African American and the other Jewish, is to lay the foundation for healing the rupture between the two communities. West and Lerner discuss the problems of past oppression, cultural identity and whiteness, Jewish and black nationalism, the civil rights movement, Jewish racism and black antisemitism, current tensions, and strategies for reconciliation. The dialogue—which is candid, animated, and learned—illustrates both the promise and problems of contemporary black-Jewish relationships.

The problems come with the narrow context of the dialogue. To properly assess the force of the exchange, readers should remember that West and Lerner not only are both Ivy League intellectuals with Ph.D.s, they are intellectuals on the political left. To a considerable extent, we must understand that

their conversation takes place on a single point along the political spectrum. Alternate political positions held by Jews and African Americans are rarely presented in the book, and Jews and African Americans of other political persuasions will likely find that authors speak for them only partially at best. For instance, Lerner's insistence that Judaism is not a religion but a "revolutionary challenge to injustice and oppression," and that the "...revolutionary thrust of our own message...made demands on us to live in a consciousness of God that made for the possi-

bility of radical transformation and hence destabilized all fixed categories," is a highly selective leftist reading of the historical record of the Jewish religion. In particular, it ignores the focus of the priest-

ly writing in the Pentateuch and other documents, which sees the categories of the social order as ordained by God in the construction of the cosmos. Moreover, if this is a distinctive Jewish position, how should we interpret the writings of the apostle Paul, who aimed—within his early Christian communities, at least—to subvert the established social categories of his day and to build a new social identity around solidarity with Christ?

The ideology and commitments of the political left create the context of assent and commonality within which West's and Lerner's disagreements with one another are possible and make sense. Thus, the book itself is primary evidence that Jews and African Americans are complex groups who do not exhibit a uniform attitude or political position on any issue. Jews and African Americans

on the left may well have more in common with one another than with those on the political right within their own communities. The challenge for the authors is to generalize their very particular conversation to their larger communities, who may not share their ideological sympathies.

The promise of the dialogue is illustrated in the respect with which the authors address one another on very painful questions and in the bluntness with which they treat controversial issues. Productive political relations between the two groups depend on an accurate, honest, and mutual recognition of where their historical and contemporary experiences are similar and different and where their communities' needs coincide and diverge. Only candor, not romantic liberalism, can be the basis for such acknowledgment and the action that follows from it. In this regard, Lerner and West's exchange on "whiteness" is instructive because it shows that, although Jews and blacks are different from the majority culture, they are not—and cannot be—different in the same way. West persistently and effectively interrogates Lerner's insistence that Jews should not be categorized as "white" and Lerner's denial that "Jews have been beneficiaries of white skin privilege." On this issue, it is useful to compare Lerner's view with that of Friedman, who claims

that "Jews, after all, were white people and...they never confronted the kinds of obstacles and barriers that blacks did in this society." For his part, Lerner acutely shows that the left—perhaps because of its disdain for religion?—has denied or trivialized both the history and nature of the cultural oppression of the Jews.

Lerner and West offer the rudiments of a social/political program of reconciliation between African Americans and Jews, and their book—despite its narrow political underpinnings—is likely to have a positive impact because it supplies a prag-

**Although Jews and blacks are
different from the majority culture, they
are not—and cannot be—different in the
same way.**

matic model for conversation. Oddly, however, the book's real promise of hope seems grounded in something not political at all. Over the time they worked together, Lerner and West obviously developed strong personal affection and regard for one another. By their own testimony the quality of their personal relationship is their strongest reason for optimism about improved black-Jewish relations. They write, "Ultimately...it was the actual experience of caring that we developed between the two of us, far more than the words and ideas, that provided us with the basis for our hope. Because we believe that that kind of caring and warmth can devel-

op much more widely between our two communities, we are hopeful that this dialogue is the first of many more to come..." Perhaps one central lesson of this book—though an ironic and likely unintended one—is that the political cannot escape the personal.

That Jews and African Americans need a special dialogue at all is part of the legacy of social, political, and economic circumstances that have made both groups feel unwelcome in American society for so long. That Jews and blacks are at odds with

one another now on so many basic issues is a vestige of their common minority status and shows how much work toward equality

remains to be done. However legitimately different their experiences, interests, and internal community dynamics, Jews and blacks have moved American society towards a higher vision of itself. These books remind us that the road to freedom and justice is neither smooth nor straight.❖

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RALPH ELLISON AND THE FREQUENCIES OF POLITICS

Heroism and the Black Intellectual: Ralph Ellison, Politics, and Afro-American Intellectual Life.

By Jerry Gafio Watts (*University of North Carolina Press, 1994. xii + 156 pp. Hardcover \$29.95. Paperback \$14.95.*)

By John F. Callahan

“**A**ll it takes to get along in this here man’s town is a little shit, grit and mother wit,” Peter Wheatstraw tells Invisible Man. “And man,” he adds, “I was bawn with all three.” Wheatstraw’s Harlem is his briar patch—Ralph Ellison’s, too, for almost 50 years—and his words to homeboy Invisible Man recall Br’er Rabbit’s taunt after his wit saves him from hubris and Br’er Fox’s murderous intent: “Bred en bawn in a briar-patch, Br’er Fox—bred en bawn in a briar-patch!”

In “Heroism and the Black Intellectual: Ralph Ellison, Politics, and Afro-American Intellectual Life,” Jerry Gafio Watts reenacts the “Tar Baby Story.” All too unwittingly, Watts appears to take on the unheroic traits of Br’er Rabbit and Br’er Fox until, at the last, Br’er Ellison has eluded his pursuit and scampered back into the briar patch of his books taking Tar Baby with him.

Early in his study Watts declares himself “engaged in silent argument with two thematic tendencies

employed in studies of many black intellectuals. I refer,” he explains, “to these antagonistic tendencies as (1) the hyperpoliticized and (2) the depoliticized.” Like Joyce’s Stephen Dedalus, Watts would “fly by those nets” and overcome what he considers the “binary antagonism” in Afro American cultural studies. Coming

Ellison affirms the heroism of African Americans as individuals and as a people.

across the latter phrase, I expected Watts to invoke Ralph Ellison’s stance of “antagonistic cooperation” and seek in Ellison’s work that complexity about politics and culture denied by the two extremes.

I was wrong.

Watts’ purpose is to classify Ralph Ellison as a “depoliticized” black intellectual who falls prey to “the Achilles’ heel of heroic individualism.” Watts associates this alleged stance of Ellison’s with his “outlandish ambitions”; elsewhere he claims that “heroic individualists do not take their cue from the masses.” Watts fails to acknowledge that Ellison found heroism in many unsung African American lives, and that he was suspicious of the talented tenth doctrine of W.E.B. DuBois precisely because he feared it might miss the courage and creativity of black

folks outside the professional ranks. Over and over again in “Invisible Man” and in his essays Ellison affirms the heroism of African Americans as individuals and as a people. In “A Very Stern Discipline,” for instance, he cites the example of a Negro Mississippian in Atlantic City for the 1964 Democratic National Convention along with others from the Mississippi Freedom Democratic Party. “To the facile eye,” Ellison observes, the man “might well have been mistaken for the Sambo stereotype.... But had you accepted him as an incarnation of Sambo, you would have missed a very courageous man—a man who understood only too well that his activities in aiding and protecting the young Northern students working in the Freedom Movement placed his life in constant contact with death, but who continued to act. Now, I’m not going to reject that man because some misinformed person, some prejudiced person, sees him as the embodiment of Uncle Tom or Sambo.” For Watts, heroism appears to be a narrower, more loaded term than it is for Ellison. The fact that the heroic is inevitably bound up with the hero’s individuality does not mean that a hero pushes his rock up the hill only for himself. “What’s inside you, brother?” Ellison asks after telling of the brave unidentified Mississippi farmer: “What’s your heart like? What are your real values? What human qualities are hidden beneath your idiom?”

Watts’ accusation that Ellison was

led astray from his people by some cult of "heroic individualism" is belied by Ellison's insistence on the collective heroism of his people. "Contrary to some," he writes, "I feel that our experience as a people involves a great deal of heroism," and he goes on to tell why: "Any people who could endure all of that brutalization and keep together, who could undergo such dismemberment and resuscitate itself, and endure until it could take the initiative in achieving its own freedom is obviously more than the sum of its brutalization. Seen in this perspective, theirs has been one of the great human experiences and one of the great triumphs of the human spirit in modern times. In fact, in the history of the world."

The theme and structure of Watts' book follow from a critique of Harold Cruse's "The Crisis of the Negro Intellectual." From here the leap to Ellison is abrupt and somewhat awkward as if Watts caught his trapeze by a fingernail. "Through the study of Ellison," he contends, "we can raise questions about the 'responsibilities' of black intellectuals who are not overtly engaged in political affairs." From here the study veers from quick treatments of Ellison's biography to the impact of the left in the late '30s and early '40s to what Watts calls Ellison's "blues ontology." Watts then devotes most of his third chapter (the book has four) to Ellison's exchanges with Irving Howe in the early '60s, siding with Howe rather than exploring Ellison's rhetorical strategy of using Howe's position as a foil for positing the fluidity and complexity of black American experience. The last chapter, "Heroism: An Artistic Antidote to Racism," is Watts' case against Ellison's approach to art and politics.

In all four chapters, Watts'

method is perplexing, for although he considers Ellison a novelist, he tells us that "a literary dialogue with *Invisible Man* is not pertinent to my study." Watts keeps his word. "*Invisible Man*" figures in the book only as the backdrop to Ellison's importance and prominence from the 1950s on. This is puzzling in view of Ellison's 1955 Paris Review interview in which he comments that while he "was reading 'The Hero' by Lord Raglan and speculating on the

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nature of Negro leadership in the United States, [he] wrote the first paragraph of '*Invisible Man*,'" and even more puzzling considering the novel's preoccupation with the relationship between black Americans and political organizations and parties of many stripes. In short, "*Invisible Man*" seems indispensable to any full consideration of Ellison's political theme.

Given his decision to ignore "*Invisible Man*," Watts pays far too little comprehensive attention to Ellison's large body of non-fiction prose despite that *oeuvre's* persistent

reference to the "social hierarchy" revealed, reinforced, and sometimes challenged by the American political landscape. Instead, Watts concentrates on passages from Ellison and others, mostly detractors, which the author believes confirm his socio-psychological critique. "Ellison's decision to envelop himself in an intensified elitist individuality as a social marginality facilitator," Watts contends, "appears to have been an outright artistic failure."

Why?

For Watts, Ellison's "failure" is demonstrated by his work on and off and furiously on again for some 35 years on an ambitious novel apparently still in progress at his death. Watts indulges in a peculiar *reductio ad absurdum*. If Ellison's politics were different, the logic goes, he would have finished his novel and maybe written others. Trying to account for Ellison's difficulty finishing his long second novel, Watts' speculates that "a metaphorical, unsatisfiable 'great white master' may have taken up residence in Ellison's black superego." His speculation is troubling and, almost in spite of itself, comic. It is troubling because it implies that in Ellison's struggle with his second novel Ellison's mind and imagination were territory controlled by a "great white master"—perhaps one of the Krakens that Melville playfully told Hawthorne were peopling his imagination after he finished "*Moby Dick*." (And what, I wonder, would Watts say of Melville if that writer had published no novels after "*Moby Dick*"?) Even more troubling to a sense of human complexity and possibility is the implication that Ellison's struggles revolved around pleasing some force other than his sense of craft and artistic integrity. Watts' formulation is comic when one thinks of

Supercargo overthrown in the Golden Day episode of "Invisible Man" by the black World War I veterans' impulse toward chaos and rebellion. Indeed, Ellison was always his own toughest critic—"Invisible Man" took seven years to complete—and joked more than a few times about proceeding with "all deliberate speed" on his second novel. He preferred accusations like those made by Watts to publishing something he did not feel was ready or up to his standards.

Quite apart from the fate of Ellison's second novel is the fact of his large body of work in addition to "Invisible Man," much, but by no means all of it collected in "Shadow and Act" and "Going To the Territory." After the publication of "Invisible Man" in 1952 Ellison spent much of his time and energy writing essays, reviews, and addresses. He also served on various public commissions such as the Carnegie Commission on Educational Television, though here, too, he was subject to tendentious criticism. "All right," he told James McPherson in response to charges by others that his presence was "token," "I'll resign. But you had better put a *cardboard Negro* in my place because when decisions are made which will affect black people you had better make sure that those people who make the decisions remember that you exist and are forced to make sure that some of your interests are being met." In fact, Ellison became a man of letters sought after because of his achievement, his knowledge of American culture, and, yes, politics, and also, as the joke goes, his "high visibility" as the first Negro American to win the National Book Award.

Despite his intention "to bring

politics back into the discussion of Ellison," Watts appears to have a narrow definition of politics and little tolerance for the complex connections Ellison forged between art and politics. In a passage from "The World and the Jug," Ellison tells Irving Howe that "my Negro friends...recognize what you have not allowed yourself to see; namely, that my reply to your essay is in itself a small though necessary action in the Negro struggle for freedom." From

Ellison preferred to practice politics preeminently, but not exclusively, through the written word.

Ellison's perspective the novelist is a citizen and therefore as "responsible for the condition of American democracy" as any other citizen, perhaps even a little more so considering that the novel, in Ellison's view, "is bound up with nationhood." Given Ellison's insistence on craft, technique, and discipline as the keys to eloquence, whether in literature, music or politics, it should not be surprising that he preferred to practice politics preeminently, but not exclusively, through the written word.

Even a quick perusal of "Shadow and Act" and "Going To the Territory" reveals that many of Ellison's essays were, like "The World and the Jug," literary occasions with political overtones. Often Ellison's essays began as responses to

writing that diminished, limited, or denied the complexity he saw and felt in the black American and, yes, the American experience. Watts may quarrel with the political and aesthetic perspectives expressed in Ellison's work, but the essays, speeches, and reviews sure as hell were acts of politics.

Beyond Ellison's choice to be political through the craft of the literary word, there is his deeply historical angle of vision on American politics. Here I do not refer to Ellison's troubled support of the Vietnam War and his loyalty to President Lyndon Johnson whose "speech at Howard University spelled out the meaning of full integration for Negroes in a way that no one, no President, not Abraham Lincoln nor Franklin Roosevelt, no matter how much we loved and respected them, has ever done." As one who opposed the war, I find Lyndon Johnson's achievements for civil rights more and more heroic in however flawed a way. In this connection I suspect "heroism" might be less charged and alien and loaded with peril for Watts if he granted that the term is often kin to human weakness, flaw, and error.

On the different prose frequencies of fiction and the essay, "Invisible Man" and early essays like "Twentieth Century Fiction and the Black Mask of Humanity" and later ones like "Society, Morality and the Novel," "Stephen Crane and the Mainstream of American Fiction," and "Tell It Like It Is, Baby" project a view of American life and politics in which past and present are in profound continuing dialogue. I only wish Watts had considered these essays and the complex racial and national story told in them. For Ellison, the Civil War and the Reconstruction and its tragic after-

math were the most dramatic instances of the Nation's struggle with the potentially fatal contradiction between its democratic theory and practice. Over and over again until the end of his life, Ellison observed that the American Civil War had "continued on as *civil* war, lower case, in which that war of arms was replaced by a war of politics, racial and ethnic violence, ritual sacrifice based on race and color, and by economic and judicial repression." Asking "if indeed the outcome of that war has yet been decided," Ellison told a group of Harvard alumni in 1974 that "quite frankly, it is my opinion that it is still in the balance, and only our enchantment by the spell of the possible, our endless optimism, has led us to assume that it ever really ended."

In an address at the Whiting Foundation in 1992, Ellison spoke of his fascination with recent revelations about his grandfather, Big Alfred Ellison, who was town marshal in Abbeville, SC through appointment and election from 1871 until 1878 when a white man was chosen by the new Democratic town council. According to Lowry Ware, author of "Old Abbeville," Big Alfred Ellison had the bravery to testify before a congressional investigating committee in 1895 about the "trouble in registering" he faced "on account of the Supervisor of Registration not doing his duty."

I can almost hear Ralph Ellison take off from that word: "duty." "The point," he tells his audience almost 100 years later, "that Big Alfred's grandson makes of all this is that the past still lives within each of us and repeats itself with variations. Looking back, you feel the pain we'd like to forget because of its tragedy, but if we *re* to survive and get on with

the task of making sense of the American experience, we'll view it through the wry perspective of sanity-saving comedy." For Ellison, politics was part of the tragic-comic rant of things. Far from being the "elitist" of Watts' imaginings, he used humor to ground the characters in his fiction and the many persons brought to vivid life in his essays, in the democratic soil of what he called, after Henry James, "the American joke."

In "Hidden Name and Complex Fate" Ellison quotes W.H. Auden,

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another writer whose politics, like his art, evolved in ways displeasing to ideologues on left and right: "In our age, the mere making of a work of art is itself a political act"; this is because artists remind "the Management of something managers need to be reminded of, namely, that the managed are people with faces, not anonymous members...." In our time especially, a salutary, even saving sense of politics could emerge from careful, uncategorical consideration of Ellison's writing. For, as Ellison wrote in response to a claim that he was a patriotic writer: "It aint the theory which bothers me, it's the prac-

tice. My problem is to affirm while resisting."

Perhaps the "Tar Baby Story" provides another clue. To paraphrase Ellison, let Tar Baby stand for the body of his work. After all, Ellison was a critical thinker as well as a novelist. That may be why his "mammy-made" essays on the shifting dance of our "social hierarchy," all the weltering, chaotic diversity of American life so resistant to attempts by right or left or center to simplify, reduce, or nullify its complexity, give critics a more maddening time than the still mysterious, still to be explored "Invisible Man."

In Ellison's interpretation, Tar Baby "leans, black and gleaming, against the wall of life, utterly non-committal under our scrutiny, our questioning, starkly unmoving before our naive attempts at intimidation." But what if Tar Baby like a good dozens player fails to respond and, frustrated, we touch him? Then, Ellison suggests, the lesson begins as, stuck, "we give him our sharpest attention, we question him carefully, we struggle with more subtlety; while he, in his silent way, holds on, demanding that we perceive the necessity of calling him by his true name as the price of *our* freedom" (my italics).

Ellison lets Tar Baby stand for the world. With his comic sensibility in mind, let that figure do duty also for Ellison's work. For as he makes his metaphor into an almost metaphysical conceit, Ellison returns to his deepest theme: identity. "It is unfortunate," he writes, that Tar Baby "has so many, many 'true names'—all spelling chaos; and in order to discover even one of these we must first come into the possession of our own names." Surely one lesson of the "Tar Baby Story" and Ellison's work

alike is that categories, not to mention stereotypes, boomerang back on those who impose them on someone else.

Like Tar Baby, Ellison's writing beckons with its familiar unfamiliarity and its defiant quality of surprise. Before we get too close, we had better make the briar patch our own and summon enough "shit, grit, and mother wit" to outduel Br'er Fox or any other animals lying in wait by the well, not least any ungenerous alter egos concealed within our minds. "Because, damn it, there's the

Like Tar Baby, Ellison's writing beckons with its familiar unfamiliarity and its defiant quality of surprise.

mind, the mind," Invisible Man cries. "It wouldn't let me rest." Nor should it. Ellison would no more accept the characterization that he was "depoliticized" than he accepted the line that the slaves were "dehumanized"—though he granted the fierce attempts to make them so. In his fiction and his essays Ellison reaches for a whole-souled politics of possibility: "And could politics ever be an expression of love?" Invisible Man asks with that "brooding questioning stance" Ellison associates with the novelist. And in "Brave Words For a Startling Occasion," Ellison puts love and politics, the novel and democracy, in close conversation and communion. "The way home we seek," he declared, "is that condition of man's being at home in the world, which is called love,

and which we term democracy."

In this spirit I hope that American scholars will negotiate a truce in that lower case civil war still afflicting American and African American culture and politics. More than anything else, Watts' book signals that there's many a rendezvous to come with Ralph Ellison's work and intellectual stance. Those encounters will be richer if we heed novelist Charles Johnson's reminder that "Invisible Man," "Shadow and Act," and "Going To the Territory" resonate with an "intellectual generosity rare in 20th-century American literature."❖

Dr. John F. Callahan, professor of humanities at Lewis & Clark College, is editor of the Modern Library Edition of "The Collected Essays of Ralph Ellison," to be published this November. He is the author of numerous essays on Ellison and on other American writers. His books include "In the African-American Grain: Call-and-Response in 20th Century Black Fiction" and "The Illusions of a Nation: Myth and History in the Novels of F. Scott Fitzgerald." During 1995-96, he will be a fellow at the Woodrow Wilson Center in Washington, DC, organizing Ellison's unfinished novel into a unified narrative for publication.

IS COMMON SENSE TRULY DEAD?

**The Death of Common Sense:
How Law is Suffocating America**
By Philip Howard (*Random House*,
1994. 202 pp. \$18.)

By Walter J. Kendall III

On the basis of many stories, Philip Howard concludes in this best-selling book that law is a "regulatory incarceration" causing citizens to suffer "daily humiliations"; that "coercion by government...is now its common attribute"; that the system has become like Soviet central planning. The system is pathologic, pouring out "pseudo-technical drivel" that empowers "lawyers, who more often act like assassins." The ultimate culprit is enlightenment rationalism. The flaw in enlightenment rationalism is its belief that "government should be self-executing and dispassionate." And the way out is that this "government of laws against men" "must" be "killed."

Thus ends the first part of this shocking and somehow seductive polemic.

Part Two asserts "government accomplishes virtually nothing of what it sets out to do." And Part Three argues that the modern view of rights has "made enemies of everyone." This is because "rights cede control to those least likely to use them wisely." This has led to "rights-bearers do(ing) warfare" on the rest of us.

In the final part of the book, Howard, a New York attorney, offers his proposals for "releasing ourselves" from the "wardens of law" who have kept us "like prisoners in a dungeon." The "missing ingredient"

for change is to "wake...up every morning (and) go out and try to accomplish our goals and resolve our disagreements by doing what we think is right."

A careful look at the actual outcomes of the anecdotes that Howard cites reveals a picture different from his broad strokes. The facts show that the law and the parties achieved sensible results, more often than not. For example, Amoco and the EPA did sit down and work things out; Glen-Gery's safety record "improved dramatically"; a colleague got "the problem straightened out"; the brick industry finally persuaded OSHA to see bricks the way it did; and "San Diego waived the building code."

So let us cast off the seductive spell of the author's stories and look more critically at his conception of "rights" and see if we can discover what his real argument is.

In arguing for common sense and against the reign of rights, Howard refers to rights as merely government-created things which exist or not, as the majority decides, rather than as natural or God-given. "The Great Rights Rush" leads to a society marked by a "demoralization," and "hate" for one's "enemy," and ultimately oneself. Thus we should cut back on rights, reduce litigation and let the chips fall where they may. Just rely on ourselves!

A closer reading of the structure of the argument suggests that the real target of Howard is the Americans With Disabilities Act. Each section of the book includes mention of the Americans With Disabilities Act. The list of horrors culminates with the assertion that "the disabled lobby is waging warfare against every other citizen."

Howard argues throughout for common sense and compromise.

"Making accommodations is critical." Yet that is exactly the legal standard the ADA sets. Covered institutions must do no more than make "reasonable accommodations." So what is wrong with the ADA? Why is Howard so hostile towards people with disabilities?

Howard seems to have assumed a medical or rehabilitation model of people with disabilities. He asserts that since the ADA was adopted "compassion is nonexistent, because compassion is basically unlawful." His discussion assumes people with disabilities are sick or ill, and need to be cured or fixed; and that professionals know best. He seems to want to segregate the able bodied from people with disabilities.

In fact the Independent Living Model that underlies the ADA actually meets Howard's goals of common sense, accommodation, self-reliance, and responsibility. It sees the problem for people with disabilities as one of dependency and exclusion caused by barriers created by others, which when removed, will make independence and integration the norm. The solution lies in universal design that benefits the entire society.

Howard is a seductive teller of stories, some of which support the generally recognized need for better regulatory oversight. Some of the stories are just that, however—stories, rather than complete, accurate, factual illustrations supporting his argument. Also, Howard has an understanding of rights that is fundamentally different than that of the Declaration of Independence. Finally, he is just plain wrong about the Americans with Disabilities Act.

Neither the ADA nor people with disabilities are responsible for any death of common sense. Common sense is all the ADA requires and

people with disabilities want.❖

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TOWARD UNDERSTANDING THE MISUNDERSTOOD

9 Highland Road: Sane Living for the Mentally Ill

By Michael Winetrip (Pantheon Books, 1994. 451 pp. \$25.)

By Kathi Wolfe

"N ondisabled Americans do not understand disabled ones," wrote U.S. News & World Report editor Joseph P. Shapiro in his "No Pity," a comprehensive and compelling history of the disability civil rights movement published in 1993.

Of those with disabilities, perhaps the least understood, and most feared, are people who have a serious psychiatric disability. While those with physical disabilities must battle negative stereotypes having to do with their supposed limitations, people who are blind or use wheelchairs for mobility are seldom seen as posing physical threats to the community at large. People with severe mental illness, however, thanks to portrayals in the tabloid press and Hollywood films, are often perceived as threatening.

Few people comprehend what it's like to live with a mental illness. It is enlightening when "9 Highland Road" takes us into the lives of 12 residents of a group home in Glen Cove, NY, a city

of 24,000 population 30 miles from New York City. Using the skills of a novelist, Michael Winerip, a deputy metro editor with The New York Times, tells the stories of how this group of people live with their psychiatric disabilities and the stigma associated with having them.

The reader is captivated by the full spectrum of humanity for whom "9 Highland Road" is more than a postal address: the residents themselves, townspeople who through ignorance and fear virulently oppose the opening of the group home, insightful counselors and psychiatrists, incompetent psychiatrists, frivolous social workers, loving family members, unspeakably abusive parents, and mindless bureaucrats.

It's impossible to read "9 Highland Road" without gaining understanding of what it's like for those with psychiatric disabilities to cope with both their illness and the stigma that our society attaches to those who are psychiatrically disabled. There's Anthony, a young man who's trying very hard to study at a community college. He was a bright student and had lots of friends before he became schizophrenic in high school. Now, because of his illness, he faces an uphill struggle to comprehend a psychology textbook. On top of the problems the schizophrenia causes in his thought processes, he has to endure a professor who mockingly lectures the class about mentally ill people, not realizing that the mockery is dehumanizing an already vulnerable student and all who share the student's illness.

Winerip spent two years almost in residence at 9 Highland Road, where the group home is located. Although he maintains his objectivity and identity as a reporter, he shows an extraordinary empathy with the people whom he observed.

This book helps to break down the fears and collapse the myths our society

has about people who have psychiatric disabilities.

HOLLYWOOD'S FEW IMAGES OF THE DISABLED

The Cinema of Isolation: A History of Physical Disability in the Movies

By Martin E. Norden (*Rutgers University Press, 1994. 375 pp. Hardcover \$48. Paperback \$16.95.*)

America's 49 million citizens with disabilities are in all walks of life. They range from the workaholic blind executive to the homemaking wheelchair-user to the fun-loving deaf teenager to the hard-working maintenance man with mental retardation and much further.

Like able-bodied Americans, some disabled people are scoundrels, others are saints; some dull as dishwater, others the life of the party; some have the perceptiveness of Fred Flintstone, others would have given Albert Einstein a run for his money.

You won't know this though, if you see disabled people only through Hollywood's eyes. For Hollywood, since it set up shop and began shooting silent movies, has been depicting people with disabilities in stereotypical ways. In the movies you'll see disabled people as "super-heroes," helpless victims, "inspirational cripples and blind girls," innocent fools such as the character Forrest Gump, but almost never as fully rounded people leading ordinary lives.

Like other groups, disabled people rarely see their reality reflected on the silver screen.

"The Cinema of Isolation" is a comprehensive, well-written history of the depiction of people with physical disabilities in the movies. Though Norden's emphasis is on physical disabilities, the book is a helpful guide to understanding

how Hollywood came to stereotype people with all types of disabilities.

Norden, a film writer and professor of communication at the University of Massachusetts in Amherst, is careful to be objective and factual in his work. Yet unlike some works written by academicians, "The Cinema of Isolation" is lively, clearly written, and provocative.

Norden examines the films of such directors as D.W. Griffith, Charlie Chaplin, and Alfred Hitchcock who both reflected and created disability stereotypes in their work. He vividly describes the parade of saintly sages, holy innocents, Tiny Tims, and "inspirational crips" who have flickered across the screen since the birth of the movies.

As Norden points out in "The Cinema of Isolation," there's been little change in Hollywood's depiction of people with disabilities.

One hopes against hope that Hollywood will begin to depict disabled people as human beings—as people who love, work, play—who even go to the movies. Until then "The Cinema of Isolation" will be an indispensable resource for academics, film buffs, and civil rights advocates.—K.W.❖

A freelance writer who lives in Northern Virginia, Kathi Wolfe is a regular contributor to Mainstream Magazine and The Disability Rag/Resource. She also is the producer of "Reaching for a Dream," an award-winning video documentary on minorities with disabilities.

Can We Teach Civil Rights?

By Kathleen A. Hunter

It is hard for us, at any age, to understand civil rights as a stand-on-its-own concept, like *gravity*, or *majority rule*, or *red means stop* and *green means go*. As a concept, or principle, *civil rights* does not have a clear, relatively unambiguous meaning that we can use to define choices and evaluate decisions about how society will govern itself, such as the principle of separation of powers. Like other core concepts of our political system, the concept *civil rights* seems to be one that we must continually discover anew amidst the drama of current events—but in this case usually in situations where civil rights are being denied to an individual or group.

Can we develop a pedagogy that will help young people come to recognize civil rights as an underlying principle of a democratic society, such as *majority rule* and *separation of powers*? Could we teach young people to apply the principle of civil rights to guide their daily lives?

Civil rights is a political science concept that encompasses how society will ensure civil equity to its members. This political science concept often gets confused with underlying ethical concepts like fairness and emotional states of mind like acceptance and appreciation. As a principle of civil order and justice, the concept of civil rights needs to stand above and apart from episodes of upheavals in our values or emotions. Civil rights needs to be understood as an inter-

nalized and stable principle of democratic government.

One challenge for the educator wanting to teach young people the concept of civil rights is to help students recognize how ignorance, prejudice, power, and greed can undermine our values, assault our emotions, and eventually serve to mobilize social groups in a quest for civil rights. Another challenge is helping students move toward a lasting principle by which society can ensure its members equitable treatment under the law.

For its 1994 "Material Resource Catalogue," the Anti-Defamation League has gathered an exceptional collection of educational materials that can give teachers some tools to meet the first challenge, including videos, printed publications, and posters.

The Anti-Defamation League is known most notably for speaking out on issues related to hostilities toward Jews. The ADL catalogue reflects this emphasis. There is a collection of materials that provide a retrospective on the Holocaust 50 years after the end of World War II in Europe; and there is another collection of materials on Israel and the Middle East.

Basic to ADL's philosophy is the belief that civil oppression proceeds from words and actions intended to dehumanize. These can begin with subtle or careless remarks and grow into conscious, focused attacks. ADL is recognized as a responsible and fast responder

to behavior that begins or fosters this process of dehumanization of any person or group. Although the Jewish experience during World War II laid the foundation for ADL's mission, its activities and educational materials have evolved into a broader focus. ADL is uncompromising and unflinching in its posture that a society should never accept even the first faint whisper of intolerance toward any of its members, and that accepting intolerance toward one group spawns intolerance for other groups.

The ADL catalogue speaks to this expanded mission. Many of the materials would be helpful to educators and facilitators dealing with civil rights. The materials are drawn from many sources. They are well annotated and keyed for use with elementary, junior, senior, and college level students. A number of the materials are designated as appropriate for out-of-class and adult discussion groups. Several videos include discussion guides.

Ignorance

The ADL catalogue includes a number of videos intended to help us better understand the culture and behavior of people different from ourselves. "Through the Darkest Night," a video produced by the Denver Art Museum, and "Two Worlds," produced by KNBC in Los Angeles, address the cultural trauma to Native Americans in adapting to life on a

reservation, and then removal from the reservation environment to large urban centers. "Sound of Sunshine, Sound of Rain" is an animated video for elementary students that helps them understand the world of a blind 7-year-old African American boy. "Behind the Mask" uses children's artwork to encourage youngsters to appreciate individuality. "Remembrance" was filmed in Philadelphia's Chinatown and documents the life of an elderly Chinese American gentleman; and "Jenny" is the story of a Japanese American girl who attempts to reconcile her family's movement into mainstream America with their cultural traditions. "Getting to Know Barbara," a CBS "60 Minutes" production, is a short piece that presents a positive image of a resilient and successful African American woman.

In its selection of videos, ADL makes an emphatic statement that ignorance leads to stereotyping, and stereotyping is the first step to prejudice. "The American Story," a series of 12 videos about 12 families from different cultural, ethnic and racial groups, includes a discussion guide that helps viewers recognize the common values and experiences that underlie different cultural expressions and experiences. The catalogue also includes films on Puerto Ricans, Mexican Americans, and Italian Americans, and recent Korean immigrants.

Prejudice

Prejudice is the inevitable outgrowth of ignorance. If we do not know the humanity of those who are different from ourselves, we are more likely to form dehumanizing stereotypes. The ADL collection includes two classic films on the harmful effects of prejudice: The

PBS "Frontline" documentary "A Class Divided" relates a controversial experiment conducted by an Iowa teacher in 1970 to help her students understand prejudice by dividing them according to eye color; and "Eye of the Storm" is an ABC-TV documentary that relates the same event. "Between Jobs" is a personal encounter between an elder white man and a young African American man who are able to perceive a possibility of friendship beyond their initial distrust and prejudice. "Dark Exodus" deals with hardened attitudes toward African Americans in the South during the first decades of this century. The pervasiveness of prejudice is examined in "The Distorted Image: Stereotype and Caricature in America 1850-1922." That video uses cartoons and characters, along with a discussion guide, to examine the wide-ranging targets of prejudice. A particularly poignant video documents the irony of prejudicial attitudes: "Tuskegee Airmen" recounts the experience of a group of African American men honored for their courage and dedication to the United States during World War II, but rejected at home and assigned to a segregated Air Force unit. Two rap videos will probably grab the attention of some junior and senior high school students in a way that more sober presentations will not: "Rapmatazz: A Notebook Against Prejudice" was produced by WCVB-TV with a group from The Boston Youth Theater; and equally hard hitting is "Rhapsody in Orange," a musical documentary of Boston's historic Orange Line. As the train moves through Boston's ethnic neighborhood, passengers' intolerance for one another is exposed.

Power

The need for cultural dominance may be the ugliest threat to civil rights because it moves from personal feelings of fear, rejection, and hatred to socially reinforced attitudes of righteousness. The ADL catalogue includes several excellent videos and printed materials on that issue. The annotation for "Ku Klux Klan: The Invisible Empire" describes the video as a CBS Reports documentary in which "reporters interview Klansmen who exemplify the bigoted savagery of this organization and its total violation of the rights of minority groups." "Hate Mail," "Desecration in Darkness: A Community Fights Back," "Klan Youth Corps," "Japan Bashing," and "The Longest Hatred: The History of Anti-Semitism" each present a different perspective on how a lust after cultural dominance encourages dehumanization of cultural minorities. KNBC's "Powerless Politics" explores the destructive effect of U.S. Government policy toward Native Americans and the enactment of laws intended to disempower native peoples in order to reinforce cultural domination of the continent by European immigrants. For younger viewers, the ADL catalogue offers two videos that make power domination more meaningful: "Set Straight On Bullies" and "Vandalism: It's a Dog's Life." These short films show how meanness and destructiveness toward others often begin with a belief in one's own superiority and the worthlessness of the victim.

Greed

None of the ADL films directly deals with greed as a threat to civil rights. That is ironic because the debasement of Native Americans and African Americans was pri-

marily an issue of greed: acquisition of land and harvesting its resources. There are a few videos that deal with the struggles of women and minorities to gain a foothold in the U.S. economy: "Women in American Life," "Mexican-Americans: A Historic Profile," and "Hispanic America." Implicit in these films is the notion that women and minorities are denied access to good jobs and meaningful careers because they might reduce the financial security and prestige of those already in these positions.

It is unfortunate that the issue of greed is missing from ADL's educational resources, and from most others.

Civil Rights

The ADL catalogue's collection of materials on civil rights *per se* are far less in number, and of limited scope. There are several excellent videos on African Americans' struggle for their civil rights, including "Mississippi Summer," "Last Breeze of Summer," and the highly acclaimed "Eyes on the Prize: America's Civil Rights" (two tapes). These films document the efforts of the African American community to move beyond responses to episodes of denial, hate, and oppression to a principle of civil rights. Textbooks often highlight the contributions of people like James Farmer, Medgar Evers, and Martin Luther King to the social and economic improvement of African Americans. Rarely do they mention that the black civil rights movement may be the most critical factor in moving the American people to translate the ugly effects of ignorance, prejudice, power, and greed into a viable principle of civil

rights under the law.

Only two videos deal with civil rights as a constitutional issue. "Democracy and Rights" is about the integration of Little Rock's Central High School. It is narrated by Supreme Court Justice Sandra Day O'Connor, who puts the Little Rock episode within the context of the Constitution. "Supreme Court's Holy Battles" surveys decisions of the Court on the issue of religious freedom.

Although it is important to understand the forces of hatred and oppression and recognize how they lead to denying individuals and groups civil equity, there are dangers in not presenting a balance. Implicit in many of the films is the message that civil rights is something that is discovered anew by oppressed people through the process of struggle and upheaval; and that those in power will naturally attempt to deny outsiders access to civil equity. This is a dark message, indeed. As members of this society most of us do not think we have to discover anew during each national election the principle of separation of powers, or that of majority rule. We assume those principles. The ADL's collection does not lead us to believe we can assume civil rights.

There is a second danger of focusing exclusively on the absence of shared values and the presence of destructive emotions that lead to hatred and oppression: it implies that civil rights is a child of volatile feelings and shifting values, rather than a principle of civil law that guarantees that the government can transcend what is base and ugly and unfair and provide equity for all of its citizens.

The weakness of the ADL's

collection in not providing more examples of the transcendent principle of civil rights does not diminish its usefulness in meeting the challenge of achieving a lasting principle. Teachers and community facilitators could structure a semester-or year-long exploration, for example, of "civil rights: transcending barriers and oppression." The ADL's collection could be used with other sources to help students recognize how the absence of civil rights can destroy a society. The "Material Resource Catalogue" can be ordered free from the Anti-Defamation League, 823 United Nations Plaza, New York, NY 10017, 1-800-343-5540. The videos vary in length from a few minutes to an hour. Prices range from under \$50 upward to \$300. School and public libraries might want to purchase a number of titles that could be circulated. ADL does not rent its videos, but allows a one-week preview period for \$25, deductible from the purchase price.❖

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Civil Rights Materials in the Database

By Jane E. Henson

The ERIC Information System database contains a variety of civil rights materials, as the following annotated bibliography demonstrates. Created 30 years ago, the ERIC database contains almost one million records covering all areas of education. The literature identified here is a very small portion of the civil rights material in the entire database.

The ERIC System database can be accessed in a variety of ways. The database is available at many large public and university libraries on compact disc (CD-ROM). Individuals can browse the database themselves or ask for assistance from the library staff. The ERIC database is accessible on the Internet at the Ask ERIC site at Syracuse University, at many university computing services, through state education computer networks, or at the U.S. Department of Education World Wide Web or Gopher sites. For information about using the ERIC System on the Internet, contact the ERIC Clearinghouse on Information and Technology at 1-800-464-9107 or ACCESS ERIC at 1-800-538-3742.

The full text of the items in this bibliography are available. Items that have an ED number can be purchased in paper (PC) or microfiche (MF) from the ERIC Document Reproduction Service (EDRS), 7420 Fullerton Rd., Suite 110, Springfield, VA 22153-2852.

The telephone number for EDRS is 1-800-443-3742. Items that have an EJ number can be purchased from reprint services or requested through interlibrary loan from university libraries. Two reprint sources are University Microfilms International (UMI), Article Clearinghouse, 300 North Zeeb Rd., Ann Arbor, MI 48106 (telephone: 1-800-521-0600 ext. 2786) and Institute for Scientific Information (ISI), Genuine Article Service, 3501 Market St., Philadelphia, PA 19104 (telephone: 1-800-523-1850, Option 5).

ED 365 207. "*Chicanos in Higher Education: Issues and Dilemmas for the 21st Century. ASHE-ERIC Higher Education Report No. 3, 1993,*" by Adalberto Aguirre, Jr. and Ruben O. Martinez, Association for the Study of Higher Education, College Station, TX and ERIC Clearinghouse on Higher Education, Washington, DC, and George Washington University, School of Education and Human Development, Washington, DC, 1993, 125 pp. EDRS price: MF-\$1.30/PC-\$19.25 plus postage.

This monograph looks at Chicano participation in higher education and pressing issues for increased participation in the 21st century. An exploration of how Chicanos relate generally to the national education system cites low academic achievement that contributes to relative social and cultural isolation. Isolation, cou-

pled with educational tracking, places the population at risk for negative educational and economic outcomes. The monograph notes that despite slow improvement in Chicano enrollment, small numbers of Chicanos pursue post secondary education. It recalls the history of Chicano participation in higher education beginning in the 1850s in California. Examination of the context for participation notes Federal Government programs and legislation that, while facilitating college entry by Chicanos, also reinforced their subordinate status. A section on Chicano representation in higher education finds that faculty, though persons of extraordinary accomplishment, are marginalized in the academic community.

Looking ahead, the monograph argues that Chicanos must use educational attainment for social change and acquiring influence for participation in policy-making arenas. It contains more than 300 references.

ED 360 409. "*The State of Asian Pacific America: Policy Issues to the Year 2020. A Public Policy Report,*" University of California, Asian American Studies Center, Los Angeles, CA and Leadership Education for Asian Pacifics, Los Angeles, 1993, 338 pp. EDRS price: MF-\$1.30. PC not available from EDRS. Available from Leadership Education for Asian Pacifics, 327 E. Second St., Suite 226, Los Angeles,

CA 90012-4210.

Nineteen chapters consider major public policy implications for demographic projections of the Asian Pacific American population to the year 2020. A preface by D. T. Nakanishi and J. D. Hokoyama introduces the studies. Policy recommendations from the Asian American Public Policy Institute follow, recommending multiculturalism and intracultural sensitivity, extending civil rights concepts to Asian Americans, and expanding programs for Asian immigrants. The following essays are included:

1) "An Overview of Asian Pacific American Futures: Shifting Paradigms" (S. Hune); 2) "The Growth of the Asian Pacific American Population: Twenty Million in 2020" (P. Ong); 3) "Exclusion or Contribution? Education K-12 Policy" (P. N. Kiang and V. W. F. Lee); 4) "Trends in Admissions for Asian Americans in Colleges and Universities: Higher Education Policy" (L. C. Wang); 5) "Health Care Needs and Service Delivery for Asian and Pacific Islander Americans: Health Policy" (T. Guillermo); 6) "The Changing Asian American Population: Mental Health Policy" (S. Sue); 7) "Asian American Arts in the Year 2020: Arts Policy" (G. D. Yoshitomi); 8) "Is There a Future for Our Past? Cultural Preservation Policy" (F. S. Odo); 9) "Making and Remaking Asian Pacific America: Immigration Policy" (B. O. Hing); 10) "Work Issues Facing Asian Pacific Americans: Labor Policy" (P. Ong and S. J. Hee); 11) "Legal and Civil Rights Issues in 2020: Civil Rights Policy" (W. R. Tamayo); 12) "The Case of the

Southeast Asian Refugees: Policy for a Community At-Risk" (N. Le); 13) "Empowering Our Communities: Political Policy" (S. Kwoh and M. Hui); 14) "Out of the Melting Pot and into the Fire" (M. Omi); 15) "Asian Pacific Islanders and the Glass Ceiling—New Era of Civil Rights Activism? Affirmative Action Policy" (H. Der); 16) "Language Rights Issues to the Year 2020 and Beyond: Language Rights Policy" (K. K. Imahara); 17) "Meditations on the Year 2020: Policy for Women" (E. H. Kim); 18) "Will the Real Asian Pacific American Please Stand Up? Media Policy" (D. Y. M. Wong); and 19) "South Asians in the United States with a Focus on Asian Indians: Policy on New Communities" (S. Mazumdar). An appendix lists a number of specific policy recommendations.

ED 343 979. "Civil Rights Issues Facing Asian Americans in the 1990s," U.S. Commission on Civil Rights, Washington, DC, February 1992, 245 pp. EDRS price: MF \$1.30/PC-\$38.50 plus postage. (Editor's note: A copy of any Commission report is available free from the Commission.)

In 1989, the U.S. Commission on Civil Rights held a series of roundtable conferences to learn about the civil rights concerns of Asian Americans within their communities. Using information gathered at these conferences as a point of departure, the Commission undertook this study of the wide-ranging civil rights issues facing Asian Americans in the 1990s. Asian American groups considered in the report are persons having origins in the Far East, Southeast Asia, and the Indian subcontinent. This report presents

the results of that investigation. Evidence is presented that Asian Americans face widespread prejudice, discrimination, and barriers to equal opportunity. The following chapters highlight specific areas:

1) "Introduction," an overview of the problems; 2) "Bigotry and Violence Against Asian Americans"; 3) "Police Community Relations"; 4) "Access to Educational Opportunity: Asian American Immigrant Children in Primary and Secondary Schools"; 5) "Access to Educational Opportunity: Higher Education"; 6) "Employment Discrimination"; 7) "Other Civil Rights Issues Confronting Asian Americans"; and 8) "Conclusions and Recommendations." More than 40 recommendations for legislative, programmatic, and administrative efforts are made. Many of these suggestions would benefit all minority groups in the United States. Four tables present statistical findings, and an appendix contains supplemental correspondence and fact sheets.

ED 360 408. "Civil Rights Movement and the 1990s: Racism and the African American Population," by Christopher Czech, Saint Cloud State University, Department of Human Relations, Saint Cloud, MN, 1992, 78 pp. EDRS price: MF-\$1.30/PC-\$15.40 plus postage.

A plan is presented for a curriculum that shows how African Americans have been left out of decision making, stereotyped negatively, and denied resources. The project is intended to be a base for future studies of human relations issues in order to understand how society operates. Using the con-

the power structures of American society are clarified. The curriculum is designed for a high school social studies classroom, typically a 10th grade studying U.S. history. Topics for the nine days of study are: 1) racism; 2) institutional racism (2 days); 3) discrimination; 4) African Americans; 5) continued oppression and prejudice today (2 days); 6) color consciousness and discrimination; and 7) dealing with racism. Eighteen attachments, including overheads, a questionnaire, a test, and handouts, are included.

ED 355 702. "Pocket Guide to Federal Help for Individuals with Disabilities," U.S. Department of Education, Office of Special Education and Rehabilitative Services, Clearinghouse on Disability Education, Washington, DC, 1993, 37 pp. EDRS price: MF-\$1.30/PC-\$7.70 plus postage.

This publication contains information on Government-wide benefits and services for which individuals with disabilities may be eligible. Information is organized into sections on programs for specific disability groups, vocational rehabilitation, education, employment, financial assistance, medical assistance, civil rights, housing, tax benefits, and transportation. Contact information is provided for governmental offices involved in service provision. A separate section describes the Americans with Disabilities Act and key offices to contact regarding its requirements in the areas of employment, public services, public accommodations, and telecommunications.

ED 371 246. "Insights and Implications of Campus Hate Speech Codes," by John P. Downey and

Peggy Jennings, March 1993, 23 pp. EDRS price: MF-\$1.30/PC-\$3.85 plus postage.

Student affairs personnel must both ensure the safety and basic civil rights of students and also find ways to expose students to the consequences of their actions and speech. These obligations involve tensions between students' rights to free speech and their rights to equal protection under the Constitution, thus to education free from harassment. Among current policy options is the Chaplinsky "fighting words doctrine" to be used in place of vaguely worded policies; other policies, or refinements, also exist. Regardless of which approach an institution chooses, several factors must be considered when developing and implementing a hate speech policy. Among these are which minority groups are to be affected, whether the policy includes faculty as well as students, whether it extends to off-campus activities, whether harm must be actual or merely potential, how the policy will be enforced, and what the range of sanctions is to be. Institutions should take a comprehensive approach to the problem, encourage on-campus dialogue, adapt the policy to particular campus circumstances, and focus methodically and concretely on first amendment issues. Campuses should also educate students about diversity and condemn intolerance, "censuring" rather than "censoring" racist speech. Includes an 84-item selected bibliography on verbal harassment policies.

EJ 443 802. "Title IX—Its Power and Its Limitations," by Sue M. Durrant, *Journal of Physical Education, Recreation and Dance*,

63, no. 3 (March 1992): 60-64.

Examines progress in equal opportunities for male and female students made possible by Title IX and other Federal and state laws, noting factors that have hampered its enforcement. The article suggests taking action to eliminate numerous inequities that continue to persist in high school and college athletics.

EJ 438 668. "Mediation of Civil Rights Complaints: Win/Win," by Clark G. Field, *Journal of Intergroup Relations*, 18, no. 4 (Winter 1992): 34-40.

Mediation can be an efficient and appropriate process for resolving civil rights complaints. A survey of 36 human relations and civil rights offices in 10 states confirms that mediation is too seldom used, although there is interest in mediation practices. Problem areas in mediation are discussed.

EJ 475 231. "Should Hate Be a Crime?" by James B. Jacobs, *Public Interest magazine*, no. 113 (Fall 1993): 3-14.

Explores issues surrounding hate crime legislation and prosecution, with emphasis on motivation and first amendment issues. Hate crime legislation attempts to import the civil rights model into criminal law, but the very existence of the hate crime label raises social and political stakes in intergroup crimes.

EJ 490 081. "Civil Rights in the School Setting," by Julius Menacker, *Update on Law-Related Education*, 18, no.2 (Spring 1994): 4-8.

Asserts that, until the middle of this century, there were relatively few laws affecting educator or stu-

few laws affecting educator or student rights and responsibilities. Provides an overview of the origins and expansion of Federal legislation related to school law since the 1950s.

ED 359 294. "Racial and Ethnic Communities: Poverty, Inequality, and Discrimination. Volume I: The Mount Pleasant Report," U.S. Commission on Civil Rights, Washington, DC, January 1993, 189 pp. EDRS price: MF-\$1.30/PC-\$30.80 plus postage. (Editor's note: A copy of any Commission report is available free from the Commission.)

Civil rights issues affecting the Latino community in Washington, DC were explored in a three-day factfinding hearing involving the sworn testimony of more than 100 witnesses. Information from extensive field investigation and research was also included. The District's Latino population is a small but rapidly increasing minority group that is predominantly low skilled, poor, and in need of social services. Most are either undocumented immigrants or Salvadorans. Police community relations are strained in part because of the Civilian Complaint Review Board's inability to investigate and process citizen complaints of police misconduct. In addition, Latinos entering the District court system face severe disadvantages due to ignorance and language barriers. Despite Latino pressure to increase the number of Latinos in the city government, the number of Hispanics in government is proportionately low. Language and cultural barriers limit access to health and social services for Latino residents. Inadequate housing for low-

income people and lack of educational services are large problems for inner city Latinos. Barriers to educational opportunity, such as insufficient bilingual and English-as-a-Second-Language programs; unequal immigrant access to public schools, especially for limited-English-proficient (LEP) students; the resort to corporal punishment by frustrated teachers; problems connected with Latino eligibility for in-District tuition; and communication problems among parents, teachers, and school administrators are considered. A pattern of police misconduct, government resistance to hiring Hispanics, and failure to address bilingual service needs are found to exist. The report includes dissenting views by Commissioner Carl A. Anderson, a police department response to the report, and correspondence.

ED 371 104. "Fulfilling the Promise of Brown," by Richard W. Riley, U.S. Department of Education, Office of the Secretary, Washington, DC, May 1994, 13 pp. EDRS price: MF-\$1.30/PC-\$3.85 plus postage.

On the 40th anniversary of the *Brown v. Board of Education* decision, it is appropriate to review it as the spark for a new definition of equality in American life. The *Brown* case was the first significant step in the modern civil rights movement and, as such, defined the structure and legal reasoning for the push by women, Hispanics, the disabled, and other disenfranchised Americans for equal treatment under the law. The *Brown* decision was a crowbar for change, and we are all the better for it. As we affirm what has come since *Brown*, we must acknowl-

edge that which remains to be done. The central task is now a world-class education for each American child. An attached fact sheet summarizes some gains made since the *Brown* decision.

EJ458 703. "Sexual Harassment in the Schools. Students Are Taking Legal Action, and Administrators Are Having to Confront Ugly Facts," by Susan Strauss, *Vocational Education Journal*, 68, no.3 (March 1993): 28-31.

Educators and administrators must face their responsibility in dealing with sexual harassment by developing policies that are intended to ensure a safe environment, specifying procedures for reporting incidents, and making the reporting process unthreatening to victims.

EJ 449 474. "Hispanic Human Rights Goals for the 1990s," by Raul Yzaguirre and Charles Kamasaki, *Journal of Intergroup Relations*, 19, no. 2 (Summer 1992): 3-11.

Describes experiences of Hispanic Americans with respect to the civil rights enforcement system. Suggests some goals to help ameliorate problems that Hispanic Americans face, and explains why human rights professionals should help turn these goals into programs and policies and address the enormous discrimination faced by Hispanic Americans.❖

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THE COMMISSION'S LIBRARY

The Robert S. Rankin Civil Rights Memorial Library, an important part of the U.S. Commission on Civil Rights, contains more than 50,000 reference works, including a comprehensive collection of reports, transcripts, and texts. Also included are copies of some 200 periodicals (notably journals about civil rights and minority issues and the law) and various newspapers. Information on microfilm and microfiche amounts to thousands of reels and files. The library, open to the public from 10 a.m. until 4 p.m. Monday through Friday, is situated in the Commission's headquarters, 624 Ninth Street, N.W., Washington, DC 20425.

The library is the largest collection of materials in the country focused on civil rights. The facilities are used extensively by members of Congress, government agencies, private organizations, and

individual citizens.

The library grew out of the Technical Information Center, which was established within the Commission in the late 1960s to support research, fact-finding, and reporting on civil rights matters. In 1974, under authorization of Congress, the facility was converted into the National Clearinghouse Library, serving as a repository for civil rights information and related topics.

It has all publications that derived from the Commission's activities since the Federal agency was first established in 1957. These include statutory reports, clearinghouse materials, briefing papers, transcripts of hearings, and State Advisory Committee reports.

A staff is available to assist library visitors as well as Commission personnel. They are Librarian Barbara Fontana, Library Technician Vanessa

Williamson, and Library Assistant Dorothy Benjamin.

Most books and other material can be borrowed, for periods of two or three weeks, depending on the item.

For further information, the library may be telephoned at (202) 376-8110.

Copies of Commission publications may also be obtained free and retained. The voice mail number for requesting a publication or the Catalog of Publications is (202) 376-8128.

The library was named in honor of a Commissioner who served for 16 years beginning in 1960. Dr. Rankin was a faculty member at Duke University from 1927 and chairperson of the Department of Political Science from 1948 until 1964 and afterward professor emeritus.

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